POLICY PROVISIONS FOR PUBLIC ACCESS TO TELEVISION:
democratic and educational implications
in Canada and the United States

by

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ABSTRACT

This thesis examines broadcast policies and policy documents in Canada and the United States to determine whether and to what degree they <u>make</u> <u>provision</u> <u>for</u> the public's access to television. Government policies and policy documents are examined at the federal and local level, and a case study of two cable systems, one in Vancouver, B.C. the other in Seattle, Washington, supplies empirical data to corroborate how policy provisions for public access to television are interpreted and implemented.

A neo-Gramscian concept of ideological hegemony broadly frames this study of the impact of public policy, specifically broadcast policy, on social structure and behaviour.

Because a very small portion of the general population have access to television production and programming, they dominate the television discourse. Research that documents television's pervasive stereotypic and derogatory treatment of women and "racial"/ethnic "minorities" [1] as well as its perceived effect of contributing to the social and economic subordination of these populations in North American society is used as a basis for this study. This thesis argues that broadening the body of people who have access to the television production and programming process might encourage more accurate, positive and/or relevant television images and relations with positive

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[1] These are populations not normally represented in the ranks of the business/artistic elite.

social consequences. On one level, this is a matter of having broadcast policies which ensure such broadened access.

Canada and the United States each have policy provisions for the general public's access to television which are based on notions of civic democratic participation in society. Analysis and comparison of these policies results in the conclusion that although both countries provide access to the public through policy, many of these provisions limit access in four areas: access to production, access to distribution, access to input, and access to viewing. Because television access policies limit the public's access increasingly, the broadening of the access base is impeded along with the challenge to the current structure, message and function of television. On this account, traditional agendas and images continue to dominate the airwaves and their educational power.

Further study should be undertaken on: 1) the effects of television, 2) the public's use of community television/public access television, 3) the effects of community channels on viewers and whether they are different than the effects of broadcast television and 4) the effects of broadcast policy on the structure and function of television.

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INTRODUCTION

> The mass communications gatekeeper ought to become
> a gate-opener and a catalyst for the process in which
> mass communication is reunited with Grassroots discussion
> (Manca, 1989:1972-3).

In keeping with their liberal democratic traditions, Canada and the United States have each made provision for public participation and expression through the medium of television. In both countries, members of the general public may go to the local cable station, train on video equipment, use the station's community production facilities and have their television program "aired" on the cable community channel -- pro bono. Such provisions are set out in the policies and regulations governing cable television.

This thesis describes and critically analyzes those specific cable policies that <u>provide</u> <u>for</u> public access to television in Vancouver, B.C. and Seattle, Washington. It also outlines how those policies are interpreted and implemented by the cable licensees/franchisees that serve each city. The information illustrates the shape and function of each public access system as well as the historical and ideological premises upon which each system is built. The critical analyses of the provisions' interpretations and applications indicate whether they tend to limit or promote the public's access to television. More specifically, the analysis demonstrates the implications of these provisions and how policy and institutions work together politically and ideologically, often to the detriment and

disfranchisement of the general public. Whether one country's policies and/or implementing institutions are potentially more open to the public than the other's is also considered.

The central argument of this thesis is that although Canada and the United States have entrenched the public's access to television production and programming through policy provisions, the policies, and the way they are implemented, limit this access considerably.

This argument is premised on the notion that television has productive power -- educative and socializing effects. This is demonstrated using the case of broadcast television representation of women and "racial" and ethnic "minorities" and research on effects of such representations on viewers. It is argued that the discourse of television is often an elite and inaccurate representation of these groups and individuals; one which could be challenged through increased public participation in the television media. However, investigation of this possibility shows that the public has little or no access to broadcast media -- public access to cable community television is the only means by which the public may use television production and programming facilities at a reasonable cost. This thesis explores what provisions for public access to television have been made to date and to what extent they further limit or encourage public participation in television.

Significance of the Problem

Research has shown that television has significant

educative and socializing power.[2] For example, commercial television portrayals of women, "racial" and ethnic "minorities", the aged, etc. tend to under-represent and misrepresent these groups and individuals -- representations that do have effects upon the viewing public and can encourage discrimination and <u>inequitable</u> relations. The governments of Canada and the United States support equality and respect for diversity both in law and rhetoric. In light of this, mechanisms which encourage reproduction of <u>inequitable</u> relations, such as unrepresentative television and policies which entrench the medium's status quo, must be understood and analyzed. Public access to television does encourage grass-roots communication and an opportunity for members of the public-at-large to challenge current portrayals and structures of commercial television and the communications system generally.

If television is as pervasive an educative, socializing, democratizing yet elite force as Kellner (1990), Jackson et al. (1986), van Dijk (1987a), Graber (1989) and others contend, then this alone seems an adequate argument for provisions which would increase the public's access to television. Public television access would in no way ensure that the resultant programming would or would not significantly alter the educative yet oftimes derogatory discourses of mainstream television. However, it might offer and increase in the diversity of programming on

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[2] This will be discussed in depth in Chapter Three.

television which is dominated by elite "culture industries" whose representations and reflections of North American culture have been shown by the research to be fairly limited.

There is the argument that increased public access to television production and programming would be disastrous for virtually everyone except the community producer and his/her crew. On this account, 1) programs' conceptual, technical and artistic components would lack professional quality and expertise, 2) viewers would be disappointed with the amateur nature of the programs and would be disinclined to view them, and 3) broadcast stations airing such material would lose the increased advertising revenue that professional programming would generate. Arguments like these justify denying the public access to, and expression through, television on the basses of belief in the primacy of economic profit and professional expertise. This perspective has been accepted by many North Americans who find that television is outside their personal productive sphere. It is a medium watched and listened to; not one for personal expression. People have internalized the medium's structure and function through the visual and aural text of its programming. Many have come to expect and trust, somehow, its slick and stylized (re)presentations of the world so that now minimally produced programming looks "amateur", "unfinished" and "awful". Now, only certain types of programs are worthwhile and only certain characters are watchable -- sentiments that have been promoted, subtly, by the television

medium and the discourses surrounding it. Such a view of television belittles low-technology, diversity in artistic and technical composition, and those members of society who are limited to, or who strive for, these alternatives. Any public access to television, no matter how limited, challenges the traditional ideology and discourses of television as the realm of the "professional" to some degree.

The manner in which citizen participation is limited depends greatly upon the historical and ideological/philosophical foundations of the policies which govern the nation in general and its state, civil society and business institutions in particular. One way that the public may become more aware of the role of television and public policy in society is to expose instances where these engage in or encourage inequitable relations. Policy that limits the public's access to television also limits the public's access to a technology that affords the most pervasive discourse in North American society to date (Montgomery, 1989; Goldberg, 1990; Kellner, 1990). Without access to television, it also limits the public's access to the coalition-building potential of the medium. Public-generated images and discourse may or may not be any better than what is currently available on television, however, in a liberal democracy with cultural policies that rhetorically promote participation such as multiculturalism and public access, citizens should be able to make government and industry responsible for implementing the policies in good

faith.   Further investigation of public access provisions through policy and more research on the reach and content of community channels should be undertaken in the future.

Treatment of the Problem

In framing this research problem, four fundamental assumptions are made.   The first assumption is that the current structure of communications technologies, systems and personnel is not "given" or unalterable.   Rather, the structure and functions of broadcasting, cablecasting and public access television can and may be changed in fundamental ways through policy decisions.   Although some scholars and practitioners do take this stance, they are not in the main (Goldberg, 1990; Kellner, 1990; Montgomery, 1989; Nader and Riley, 1988; Labunski, 1989).   The second assumption is that the public's access to television should not necessarily be limited to only local production and distribution.   This is currently the case and there has been no academic inquiry into why public access has been shaped in this way.   Third, the assumption is made that television has educative and socializing properties.   Thus, the educational potential and effect of communications systems such as television should be a primary consideration in analyses of communications policies, structures and technologies.   And finally, because the educative nature of television is useful for both cultural and economic ends, it is assumed that access to television programming and production is a site of economic, cultural and ideological struggle.   These assumptions are not

new to the field of communications or policy-making. However, they highlight the importance of determining the historical foundations, current provisions and actual and possible effects of government access policies on the public's access to television. These are the issues that this research addresses.

Initially, "public access television" or "community television" looks the same in both countries. Federal or municipal governments develop policy and provisions which require cable licensees to provide production and programming facilities, staff, training and funding for the use of the general public. Although community television has the same general shape in Canada and the United States, the policies which provide for it, and perhaps the functions, are significantly different. Canada makes provision at the federal level by requiring that all cable stations serving 2000+ subscribers offer community television production and programming opportunities. In the United States, the federal government takes no responsibility for public access. Rather, municipalities are vested with discretionary power to require cable stations to offer public access as a condition of their franchise agreement.

While the public has access to community television in each country, the current provisions limit its access in four ways: 1) to the actual production and programming process, 2) to input into the development of policies governing community television, 3) to the distribution of community programming, and 4) to the

<u>viewinq</u> of the community channel itself. Finally, the public is limited by the ideological premises of public access policies which entrench community television as a <u>local</u> phenomenon that should be administered by a private industry.

The scholarship on public access television is sparse. The late 1960s and early 1970s saw a short spate of activity advocating community television as the popular medium of the future, documenting successful community television outlets and uses, and explaining the technical equipment, terminology and concepts involved in program production. After a twenty year hiatus, public access is on the verge of a significant come-back. Recent scholarly and popular attention has been devoted, again, to the democratic potential of the medium. However, there has been very little critical discussion of the actual government policies and provisions for community television, how these are interpreted and implemented at the local level, and whether government and cable corporate policies, as a whole, shape public access in a way that is open and encouraging or closed and limiting. This thesis proposes to shed some light on these matters.

A comparative approach is justified by the presence of excellent comparative criteria. First, Canada and the United States have many similarities. Both are "first world", industrialized, liberal democracies which share the North American continent and a certain North American culture even though their histories and ideological orientations are

significantly different. The communications systems of both countries are comparable in their technical sophistication, the "arms length" status of their regulatory bodies, and the degree to which private interests have control and influence over the television industry. Both have made provisions for public access to television which, on the surface, look remarkably similar.

Second, there are sufficient differences to make a comparison interesting and useful. For example, Canada requires public access through a federal provision. But in the U.S., if public access is required at all, it is done through provisions at the local level. Canada holds cable stations responsible for the content of programs they cablecast while U.S. cable stations are neither responsible for community program content nor allowed to exercise editorial or censorial judgement. Canada's communications policies are based on a long history of cultural regulation while those of the United States are based more on market forces. Other differences between the countries' provisions, their potential for facilitating or limiting access and the implications of these provisions will be further discussed in subsequent sections.

Because public access is a municipally regulated phenomenon in the United States, municipal public access systems are appropriate units of analyses. The municipalities of Vancouver, B.C. and Seattle, Washington provide an excellent basis for comparison. While Seattle is larger than Vancouver by roughly

85,000 residents, both cities have a diverse population base and occupy a similar geographic area -- 200 kilometres apart on the Pacific Northwest coast of North America. Rogers Cable, the community television provider for the municipality of Vancouver, has divided the city into three distinct areas. These are each served by a neighbourhood production and programming facility, and programming is pooled for cablecasting through the Vancouver studio, a more sophisticated facility, at which community members may also produce programs. Seattle is similarly divided into three different geographic areas. Unlike Vancouver, each area is served and provided production facilities by separately owned cable franchisees. Programming, however, is pooled and cablecast on one channel that all three stations share. The bases for comparison are clearly evident.

By taking this comparative approach to the questions "what are the actual government policies and provisions for community television?", "how are these interpreted and implemented at the station level?", and "do these government and station policies, as a whole, shape public access in a way that is open and encouraging to the public or closed and limiting?", this thesis highlights the specific arguments and techniques used by one or both countries to facilitate or limit access. Information about these arguments and techniques will be useful to government, the television industries and the general public. It can be used to inform future inquiry about policy effects on the public's access to television, as well as discussion about the shape

public access might, could, or should take in the future.

This thesis does not consider the actual effects of public access provisions in Vancouver and Seattle. Such information would certainly be useful and is important in determining whether public access provisions are, in fact, providing adequate and fair television access to the groups and individuals who seek it, or whether public access television does provide more diverse programming than industry programming. However, it is not within the purview of this study. Nor is it the purpose of this thesis to focus on the argument that the public should or should not have access to television. It is taken as given that the public should have access because both countries already provide for access.[3] Rather, this research uncovers and analyzes the potential access-giving properties of current public access policies and practices in order to develop more accurate criteria by which the efficacy of public access provisions can be determined in the future.

The methodological approach to this study of public access provisions in communications policy is interdisciplinary. By blending ideas and techniques from sociology, communications, education and law some of the obfuscations of disciplinary boundaries are removed. Also, by integrating the conventions from these disciplines, new and different ways of looking at the issues at hand are developed. For example, while communications scholars might find public access issues of little consequence

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[3] This will be discussed in more depth in following chapters.

in light of rapidly developing technologies with broader reach, from a legal or educational perspective questions of public participation can be of great interest.

In keeping with the interdisciplinary intent of the research, a combination of strategies was used in the investigation: 1) comparative historical analysis of government, cable station and trade organization policy documents, 2) informal interviews with representatives from regulatory bodies, trade organizations, and local cable stations, 3) content analyses of cable programming schedules and journal indices, and 4) analysis and synthesis of pertinent current literature from a variety of disciplines. Because this thesis is less concerned with the policy-making process than it is with whether the actual policies themselves make provisions for public access to television, formal policy studies have not informed the inquiry in great measure. The result is a critical, documentary analysis of policies and policy statements regarding public access to television. This analysis is supported by scholarship from the disciplines of communications, "race" and ethnic relations, women's studies, law, and education.

There are three key entities which figure prominently in the public access process: the state (federal and municipal governments), the television/communications industry, and citizens.[4] A neo-Gramscian concept of hegemony frames this

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[4] 'Citizens is used throughout this paper to refer to the general public -- that collective entity toward which policy and its language is directed and intended.

investigation of the impact of government television communications policy on social structure and behaviour. Specifically, it underpins this research's focus on the way language and regulation through policy is used to encourage or discourage forms of public access. It also provides the basis for considering the educational and ideological impact of television discourses and access to this medium as access to power.

Antonio Gramsci's social theory priorizes the agency and autonomy individuals have in promoting or resisting ideological hegemony. Revising Lenin's notion of hegemony as a revolutionary strategy, Gramsci construes hegemony as a concept: not always an unarticulated power "relation between classes and/or other social forces based on consent rather than coercion" (Simon, 1982:22). This definition: 1) affords autonomy and agency through counter-hegemonic activity to all individuals and groups in society; 2) interprets hegemony as a "natural" political and ideological cement to which people consent, knowingly or unknowingly; and 3) explains any certain hegemony as a result of specific, historical power relations and conditions. The concept hegemony is particularly useful for considering government policies of liberal democratic societies because they often dictate the parameters in which different groups or interests struggle for power. Because policy-making is heavily reliant on elite constituents (eg. politicians, academics, economists, business interests), these interests are

often well represented or over represented in policy outcomes.
This is one way that elites develop and maintain hegemony.
Gitlin (1980) highlights the subtle yet pervasive qualities of
hegemony in his definition:

> [Hegemony is] a ruling class's (or alliance's) domination
> of subordinate classes and groups through the elaboration
> and penetration of ideology (ideas and assumptions) into
> their common sense and every day practice; it is the
> systematic (but not necessarily or even usually
> deliberate) engineering of mass consent to the
> established order. No hard and fast line can be drawn
> between mechanisms of hegemony and the mechanisms of
> coercion, just as the force of coercion over the
> dominated both presupposes and reinforces elements of
> hegemony. In any given society, hegemony and coercion
> are interwoven (253).

This thesis strives to determine, to some degree, whether
certain elements of current public access policies are
"coercive" in their tendency to dictate the shape and scope of
the public's access to television.

There are some limits to using a neo-Gramscian framework.
The most significant limit is the ease with which one may
generalize and conflate the many and intricate processes which
occur in the subtle, daily contests for power in material and
ideal relations. Because of this, it is useful to incorporate,
where needed, some of the more specific theoretical work that
has been done in the areas of 1) social/cultural reproduction
(Bourdieu & Passeron, 1977; Fiske, 1987; Giroux & Simon, 1989;
Hall, 1979; and Williams, 1974) and 2) language and discourse
(Barthes, 1977; Edelman, 1977; Foucault, 1980; Seiter, 1987; Van
Dijk, 1987). While these theoretical approaches to the uses and
importance of media such as television will not figure greatly

in the discussion of policy provisions proper, they will inform discussion of the implications that limiting public access provisions might have on society.

This thesis is organized in the following manner: The introduction, which includes the statement of the problem, the treatment of the problem and its significance provides a general outline of the research. Chapter Two defines and delimits the major foci of the study, the key individuals, organizations and concepts involved, and any assumptions to which this inquiry subscribes. The third chapter is devoted to discussion of the productive power of television in North American society. The case of television's treatment of "racial" and ethnic "minorities" and women is used to exemplify this position. Research is cited which shows that television misrepresents these members of society and that such misrepresentation does seem to contribute to racism, sexism and discrimination. Evidence is cited here to suggest that television's ability to educate and socialize should be recognized as a type of education. Alternatives to commercial television are considered along with an outline of research on cable public access as one of these alternatives. Chapter Four outlines the historical roots and current structure of community television policy in Canada. In this chapter, public access is considered in the historical context of developing broadcast and cultural policies. Using this information, the philosophical and ideological precedents which underpin Canada's current public

access provisions are highlighted. These analyses are further substantiated with data gathered from the case of Vancouver's community television provider -- Rogers Vancouver. The chapter closes with a discussion of those policies and procedures which limit the public's access to television. The fifth chapter consists of a parallel descriptive and analytical treatment of public access to television policy provisions, procedures and limitations in the United States. The cable franchisees TCI, Viacom and Summit Cablevision have supplied the empirical data used in this treatment. Chapter Six concludes this thesis with a comparison of the policy and procedural limitations to television access in both countries.

CHAPTER TWO

THE CONCEPTS AND THE PLAYERS

Public Expression and Participation

This thesis concerns itself primarily with issues of public expression and participation through the medium of television. Expression refers to the act of making one's ideas and feelings known in a public forum. Participation refers to the act of taking part in the structures and processes of society -- at all levels. Public participation in social structures and processes is dependent, in large part, on access to those structures and processes. In the context of North American society, expression and participation (or lack thereof) are primarily economic and political issues -- issues of consumer and citizen rights.[5]

Democracies are premised on a notion of public participation which is, in turn, premised on notions of public expression and informed decision-making.[6]

> The profound political change from feudalism to democracy was based on the spread of knowledge, which allowed

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[5] By suggesting expression and participation are primarily economic and political issues it is not intended that the social and cultural factors which, at once, comprise these two categories and encompass them be overlooked; factors such as 'race', ethnicity, gender, ideological orientation, etc. can contribute to the facilitation or prohibition of expression either in conjunction with economic or political issues or in spite of them.

[6] Public participation has different meaning depending upon whether one is speaking about civic or civil democracy. The former refers to active public participation in public affairs while the latter refers to a more representative type of government or involvement (Ungerleider, 1990; Schwartz, 1988). Generally, both countries have based public access upon a philosophy of civic democracy. However, the policies themselves seem to promote a more civil structure and function.

certain citizens enough education to govern affairs in the name of their peers and enabled other citizens to make an informed decision on who ought to rule. As a consequence, information institutions became, and have remained, essential to democracies because they inform the public about the important issues of the day and the various solutions proposed by the competing elites who wish to rule (Lorimer & McNulty, 1987:68).

The First Amendment to the Constitution provides United States citizens the right to freedom of speech. In Canada, freedom of expression is the second fundamental freedom of four in the Charter of Rights and Freedoms. Although these countries have developed under different legal and social circumstances, their liberal democratic underpinnings promote many of the same ideals: freedom of expression/speech, democracy through participation of an informed citizenry and equality under the law.[7] Whether or not these ideals are realized in practice, they have been given rhetorical prominence and a rhetorical mandate, through each country's respective constitution, legal system, and implementing policy statements.

Unlike provisions for rights to freedom of democratic and educational expression/speech, however, neither Canada nor the United States have made formal provisions which give the general public the right of access to the communications media such as newspaper, radio, and broadcast television. While some people do manage to gain access to these media, there is no formal

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[7] A fundamental difference does exist, however, in that the United States guarantees its citizens the right to private property. Canada makes no such guarantee although provisions for such are currently being considered in the recent constitutional debates.

legal basis upon which the public may demand access (cf. Eberts, 1971). These media form the dominant communications network of modern society yet, by not having access to them, the public's right of expression/speech is seriously curtailed. Most people use low-impact, short-reach communications technologies such as local meetings, newsletters, and public service announcements as media for expression. Such lack of access to more wide-reaching and dominant media not only makes it difficult to communicate widely and among a number of differing sectors of the population, so that effective citizen participation in a democratic society is difficult. It also ensures, to some degree, elite domination of the social, economic, political and cultural structures and discourses.[8] As indicated earlier, Canada and the United States have made some provisions to afford the public access to television -- "public access television" or "community television".

Hegemony and Ideology

Hegemony is domination. Gramscian hegemony is premised on a notion of ideological domination which does encompass other types of domination: political, economic, cultural, etc. Hegemony is neither binary nor static -- nor is it generalizable

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[8] Rights and freedoms are traditionally extended to individual 'citizens'; not to groups. In my paper "Multicultural Policy Initiatives and the New Equality" I argue that the liberal tradition of law directed at individuals as regards provisions for equality, anti-discrimination and access to the full participation in society is changing to encompass groups -- largely through court interpretation of law. This has given disfranchised segments of the population more leverage with which to achieve their fuller participation in societal structures and processes.

to numerous situations and contexts. Rather, it is plural, fluid and situational. Hegemony is dependent upon the characters and issues at hand, as well as their histories and expected futures. This thesis, for example, discusses television as a site of struggle for hegemony among three entities: the state, the television/communications industry, and the general public. These three parties are continually struggling to gain or maintain as much physical, economic or ideological control of television as they can in order that each of their particular agendas might have primacy.

Just as there are any number of "minorities", "sub-cultures" or "communities of interest" (and there are "sub-cultures" and differing "communities of interests" within these), there are also any number of ideologies and entities vying for hegemony. An ideology becomes hegemonic when a preponderance of people accept its tenets and premises. However, a group's numeric majority does not ensure that it will be able to develop ideology and achieve hegemony. For example, women and "racial" and ethnic "minorities" form the majority of North Americans yet their success in achieving ideological hegemony over the political and economic issues of pay equity is minimal. They consent to lower paid jobs because their options are limited and they are not yet able to counter the dominant ideology which suggests that lower wages for these populations is justifiable and necessary. Ideological hegemony is also not dependent upon the support and acceptance of the numeric

majority of the population. If an ideology is largely accepted and unchallenged by the portion of the population that has power in the particular area at hand, then that portion of the population can achieve hegemony.

Institutional entities are also not monolithic. They are composed of vying interests that strive for and achieve ideological hegemony between and among themselves. For example, while there is a faction of the television/communications industry with great interest in economic and technical domination, there are also constituents which promote the industry's moral/civil obligation to serve the public with the economic and technical power it does have. Currently, those who promote an ideology of economic/technical control and profit have more legitimacy in the television/communications industry than others. This is not to say that another faction might not develop ideological hegemony over time.

This thesis argues that legislative and policy provisions, as well as the medium of television, have ideological impact. Control of these technologies and processes allows political, economic and technical elites to maintain an hegemony over their particular domains by perpetuating an ideology of democratic participation, in this case, through the medium of television. The general public, under the impression that its contributions to society through community television are adequate, does not contest the hegemony of the other entities. Thus, the public is complicit in maintaining the hegemony of the other entities by

adopting the current ideology of access to television. If the public were to challenge this ideology for increased access, it would be agitating for change in ideology as well as practice.

The term "ideology" is used to represent any one way of thinking among many. Marx and Engels (1932) used this term to refer to class-based knowledge premised on false consciousness. Althusser (1971) and Mannheim (1936) also construed ideology as something class-based but suggested that other social and material criteria affected the shape and intent of the ideology. These social theorists suggest that ideology may be used positively (for egalitarian ends) or negatively (for totalitarian ends) depending upon the political/economic intentions of the bourgeoisie.

Gramsci's (1971) concept of ideology is even more encompassing:

> In reading the Prison Notebooks it is helpful to bear in mind that Gramsci uses a variety of terms which for him are broadly equivalent to ideology, such as culture, philosophy, world outlook, or conception of the world, as well as the phrase "moral and intellectual reform" when he is dealing with the transformation of ideology required for the advance to socialism (Simon, 1982:59).

Ideology here is not conceptualized as a solely class-based concept. Rather, it is composed of both material and ideal factors and has the power to 1) construct inequitable relations, 2) encourage acceptance of these inequitable relations, and 3) also encourage contestations of inequitable relations to some degree. Gramsci imbues the various social constituents with the

ability to develop counter-hegemonic ideology that will conceivably lead to their acquiring their own hegemony. His notion of ideology highlights that any particular world view or way of doing is partisan and, in being so, has the potential to work positively or negatively against other world views and ways of doing. On this account, taken-for-granted or inevitable social constructions such as particular social or political constellations, gender relations, hierarchies of power, etc. are called into question against the interests that they might serve.

> Ideology is generally expressed as common sense -- those assumptions, procedures, rules of discourse which are taken for granted. Hegemony is the suffusing of the society by ideology which sustains the powerful group's claims to their power by rendering their pre-eminence natural, justifiable and beneficent (Gitlin, 1982: 206).

As indicated earlier, there are some very real limits to using a neo-Gramscian framework. Some argue that a viable theory of ideology has not yet been developed so that those who use such a framework assume its importance rather than "argue for it" (Barrett in Steeves, 1987:108). On a related note, others argue that Gramsci's theory will draw more attention to counter-hegemonic potential for popular resistance than to the significant forces which constrain resistance and perpetuate political, economic and ideological domination (Gruneau, 1988: 26). I argue that while the Gramscian framework does provide explanations for how ideological hegemony is perpetuated and for what reason, it is too blunt an instrument to explain specifically how individuals confront, consider and negotiate

ideology and when, specifically, that process results in resistance to or acceptance of hegemony.

A number of communications scholars have adopted a moderate view of media in their critical treatment of television and other mass communications (Apple, 1982; Bennet, Martin, Mercer & Woollacott, 1986; Gitlin, 1980, 1982, 1985; Gramsci, 1971; Kellner, 1990). However, there is scholarship which represents more extreme versions. Herman and Chomsky's (1988) description of the uses and functions of media as propaganda to shape popular opinion proposes a conspiracy of the political right (see also Althusser, 1971). The other extreme is characterized by Daniel Moynihan (1973) who perceives the media as a conspiracy of the political left to undermine traditional power structures and values.

Moderate scholars move between perceiving television media as a complex integration of a number of competing and/or complementary forces at either the level of production (Kellner) or at the level of product (Gitlin). These treatments tend toward generality and conceptualization. By focusing on the manner in which specific formal statements of policy shape access provisions, this thesis attempts to provide concrete knowledge for practical application in the future.

The state, the television/communications industry and the general public engage in dialectic struggle to construct and break down ideologies and power relations. These have tangible political, economic and social results. It has long been argued

that the difference between enfranchised and disfranchised segments of society is that the former have more opportunity to impose their ideology on the others. This is only possible because the enfranchised have greater access to and control over the economic, political, and social apparati through which society is informed and controlled. The specific mechanisms through which these process occur should be considered and, in doing so, the concepts must be operationalized. The governments of Canada and the United States promote an official discourse of democracy, equality and tolerance of difference. This thesis attempts to illustrate one instance of the struggle over ideology through the site of television. Public access encourages grass-roots communication and the opportunity to challenge the portrayals and structures of commercial television. Such a challenge is necessary because of the pervasive influence television has on our society (Montgomery, 1989; Goldberg, 1990; Kellner, 1990). In this way, mechanisms which encourage reproduction of inequitable relations may be uncovered and analyzed.

What is Public Access Television and Who is the Public?

Public access, as it will be used throughout this thesis, refers to the opportunity for groups or individuals to produce and "air" television/video shows on local or national television. Such production and programming is developed with significant input and influence from members of the general public. In Canada and the United States, special provisions

have been made to give the public the opportunity to express itself on designated channels on cable television: Public Access Television in the United States and Community Television in Canada. While the specifics of these provisions and opportunities will be discussed in more detail in Chapters Three and Four, it is first important to define what "public" and "access" mean.

While people often speak of "the public", it is misleading to do so. "The public" is not a homogenous entity with easily identified needs and desires. In reality it is a collective of groups and individuals of extremely diverse backgrounds, experiences and needs. None of the terms coined to define "the public" do justice to the many constituencies represented and the complexity of their interactions and contributions to society. This is largely because descriptive designations such as "minorities", "special interest groups", "citizens" etc., tend to entrench binary and hierarchical categories indicating inclusion and exclusion, centre and margin, majority and minority, haves and have-nots. Even the term "the public" derives a large portion of its definitional value in relation to "the private" -- interests that are elite, exclusionary and economic. The latter's social, political and economic influence is sanctioned and the former's is not. In the case of "public" access to television, "the public" are those members of the North American population who, for whatever reasons, are not likely to be able to gain access to television as it is

currently organized without entrenched legal provisions to ensure such access.

Many members of the public do not have reasonable access to mainstream methods of communicating and participating in enfranchised North American society. They are often called "minorities" or "special interests" although, together, they comprise the numeric majority of the population. Some have organized around issues of class, gender, "race", ethnicity, place of origin, age, disability, appearance, religious affiliation, sexual orientation or ideological orientation and seek to express their views or concerns on television. Some are unaffiliated but also seek expression through the medium of television.

In keeping with the Canadian Radio-Television and Telecommunication Commission (CRTC), the public can be defined in terms of "communities". In its Policies Respecting Broadcasting Receiving Undertakings (1975), the CRTC defines "communities" as "communities of interest" as well as geographic communities. These are groups "based on cultural background or arising out of common endeavour" and formed for the purpose of exchanging ideas, increasing social and political awareness and generally connecting on common experiences and interests (4).

Finally, "the public" and "communities" are citizens.[9] As

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[9] This use of "citizens" here is rhetorical. While North American governments promote egalitarianism and grant citizenship to numerous immigrants daily, many immigrants never achieve full-citizen status. My definition of "public" does include these individuals who are "citizens" of North America by virtue of their

such, they have rights and freedoms which, theoretically, they may exercise at their discretion. These are democratic rights which allow them certain participation in the development and operation of the country through social, economic and political means. They may also speak freely and expect fair and equitable treatment. One of the ways that "citizens" are afforded access to society is through public access or community television.

"Access" to television can be defined in four ways: First, there is access to the production and programming process. In this facet, interested individuals and groups are given access to the training and technology with which they may produce their own television shows. They are also given the opportunity to have them programmed on the community channel. Second, there is access to input in the policies and procedures governing the channel. Third, there is access to distribution. Distribution refers to when, how many times and how geographically far a show is "aired". And fourth, there is viewing access which refers to the process of receiving a television show in one's home. Most discussions of public access to television refer to production and programming access. However, as will be argued, production and programming access may have little of the intended impact because of limitations to distribution and viewing access. In this thesis, "public access", "community access", "public television" and "community television" will be used interchangeably to refer to all of these definitions of access

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residing on the continent.

unless otherwise indicated.

"Pure" or "autonomous" public access refers to public production and programming that is left primarily to the community producer -- it is not mediated by professional media personnel. It is important to note that the first policy provisions for public access to television in both countries were premised on notions of "pure" public access as will be demonstrated in the following chapters. However, over the years both the policy provisions for access and the implementation of those policies at the station level have moved away from this ideal.

Who or What are the Television/Communications Media?

> There is a complicated interaction between the technology of television and the received forms of other kinds of cultural and social activity. Many people have said that television is essentially a combination and development of earlier forms: the newspaper, the public meeting, the educational class, the theatre, the cinema, the sports stadium, and advertising columns and billboards (Williams, 1974:44).

Before launching into the finer points of broadcasting policy and public access to television, it may be useful to discuss how the television media are shaped -- technologically, politically, economically and socially. Although this may seem a broad place to begin for a comparison of public access policies in Canada and the United States, the current shape of public access is largely based on ideologies developed over the years from ongoing political and practical decisions about the structure and function of communications by government and business elites.

The television media can be defined as any combination of hardware, production and programming that results in a visual picture on a home television screen. One way to classify television media is by the manner in which the visual images are transmitted - satellite, microwave, radio frequencies, or coaxial cable. VCRs can also be classified as a television medium. Canadian and United States legislation distinguishes between broadcasting and cablecasting. Broadcasting refers to over-the-air (and sometimes wire) transmissions by radio wave, microwave and satellite. Program origination is a significant part of this technology. Cablecasting is a re-broadcast technology which distributes programming by means of coaxial and/or fibre optic cables from original signals received by broadcast, microwave or satellite transmissions.[10]

FIGURE 1

Hierarchy of Communications Industry
based on the following categories:

Technology	Reach/Dist	Owner/User	Policy Area	Programming
Satellite	Internat'l	Int'l Corp.	Broadcast	Original
Networks	National	Nat'l Corp.	Broadcast	Original
Local TV	Local	Local/Nat'l	Broadcast	Original
Cable TV	Micro/local	Nat'l Corp.	Cable	ReBroadcast

Technology =   Type of Television Technology

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[10] This definition considers only one aspect of the cable system in deeming it a re-broadcast technology -- the cable distribution system from the head-end (where the station receives over-the-air signals from broadcast sources) to the public. It could be argued that cable systems do not significantly modify or change the broadcasting signal and/or process and, on this account, should be considered broadcasters responsible to the full impact of the Broadcasting Act and the Communications Act.

Reach/Dist =   Reach   or   Distribution   of   the   Television
                Signal

Owner/User =   The Primary Owner or User of the Technology

Policy Area =   The   Area   of   Policy   that   the   Particular
                Technology Falls Under

Programming =   The Type of Programming Primarily Shown

The   amount   of   original   programming   generated   by   cable
stations is minimal in comparison with the amount of programming
originated   for   distribution   through   broadcast   technologies.
While   cable   systems   are   recent   additions   to   the   television
media,   they   have   grown   remarkably   in   the   past   twenty   years   and
have   become   a   significant   and   formidable   force   in   the
communications   and   political   structure.   Public   access
television   still   remains   a   grass-roots   element   of   the
television/communications   media.   However,   its   potential   for
growth and impact is, as of yet, unexplored. Robinson (personal
communication,   15   January   1992),   a   prominent   Canadian
communications   scholar,   has   diagrammed   the   communications
industry as in Figure 1 and emphasises that it is a <u>hierarchy</u> of
various   communications   technologies   --   over-the-air   satellite,
over-the-air   network   television,   over-the-air   local   television
and   cable   television   --   as   a   hierarchy.   Placement   in   the
hierarchy is premised on 1) transmission technology, range and
capacity   (whether   the   technology   is   over-the-air   or   cable,
whether   it   is   international,   national   or   local,   whether
programming   is   originated   or   re-broadcast,   and   the   amount   of
volume a system can take) and 2) political/economic jurisdiction

(who has the major control/ownership and/or jurisdiction for use).[11]

Political and economic forces, such as who has control of a technology or who decides what its function should be, shape the socio-cultural aspects of how a technology is used. Political forces also determine the regulatory category in which a technology is slotted through policy provisions. Technological factors determine the economic strength needed to support any particular operation, and these economic factors in turn determine who can have control of the technology. Thus, the television media are those individuals and organizations who own, control and/or influence the networks, local stations and the production of programs (Matellart, 1971; Turnstall, 1977; Schiller, 1973; Hardin, 1985; Herman & Chomsky, 1988).

The media production community has the most direct control over and effect upon the specific content and scope of these programs. The members of this artistic community conceive, develop and produce shows (Comstock, 1989). They are responsible for the scripts, the casting, the sets and the general "look" of programs. Primary production sites for television shows are New York and Los Angeles in the United States and Toronto, Vancouver and Montreal in Canada. Commercial television production is a high risk, high pressure,

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[11] This is one of many ways that North American communications could be diagrammed. Note that this thesis argues such a paradigm would have to be restructured to give more power and reach to what is here termed "local" communications.

high cost business. Funding is generated primarily through advertising -- the price of advertising time rises in direct proportion to the number and appropriate characteristics of the people who are likely to be viewing at the time. Because it is the goal of advertisers to reach as many people as they can, it is the goal of television networks to air programs which will attract and maintain as many viewers as possible.

Trade organizations, acting primarily as informational clearing houses, also exert a great deal of influence in shaping communications policy through lobbying efforts. This study will look specifically at information and influences of the Canadian Cable Television Association (CCTA) in Canada and the National Federation of Local Cable Programmers (NFLCP) in the United States. However, the Canadian Association for Broadcasters (CAB) and the National Association for Broadcasters (NAB) will also be mentioned because of their significant influence on the development of policies regulating the development of cable technology in order to ensure that these did not encroach on the broadcasting market (McChesney, 1991; CRTC, 1975).

The decisions of national network staff and owners regarding what programs will and will not air impact both the affiliate stations and the viewers. Although the staff or owners of an affiliate station may decide not to carry certain networks or programs, that there is limited material to draw from means that the diversity of commercial television is limited as well. Thus, not only do a limited pool of owners and

staff of commercial television stations ultimately decide what the viewing public will see -- directly influencing the content and scope of the programming that reaches the general public -- they choose from a limited amount of material developed, largely, by the same production or programming sources. That the artistic production community, the networks, affiliate stations and cable companies are owned and controlled by a remarkably small portion of the private population as well as, of course, the government exacerbates the inevitable fact that media and society are dominated by social, economic and political elites (Adorno, 1951; Althusser, 1971; Gramsci, 1971; Hall, 1988; Marx, 1967; Herman & Chomsky, 1988). Indeed, it is true that most large media companies have controlling interests in newspapers, magazines, radio stations, and other mass media. (Mattelart, 1979; Turnstall, 1977; Hardin, 1985; Herman & Chomsky, 1988; Schiller, 1973, Graber, 1989).

> Ben Bagdikian stresses the fact that despite the large media numbers, the twenty-nine largest media systems [in the United States] account for over half of the output of newspapers, and most of the sales and audiences in magazines, broadcasting, books and movies. He contends that they "constitute a new Private Ministry of Information and Culture" that can set a national agenda (Herman & Chomsky, 1988:4).

> More to the point of the film industry's structure and film content is the observation by Jeremy Turnstall and David Walker that the concentration of commercial film and television production in Hollywood distorts the vision of image makers, who live in a socially insulated community and mistake California culture for American culture (Woll, 1987:7).

There is little to refute that North American media systems have concentrated ownership and production tendencies, and are

limited by those tendencies.

Although Canada's media ownership is more concentrated than that of the United States, American national network television is, by far, the most pervasive television influence on Canada's general population. American network programming is broadcast on Canadian networks, syndicated to affiliate stations and re-broadcast on cable stations. Canadians without cable television can usually receive American broadcast signals which are often strong enough to reach over the national border. It is in this way that a fairly homogenous product, American network television, is distributed to a diverse, international viewing audience. Commercial networks and stations do not provide access to the public primarily because other programming is more profitable and because there is no legal requirement for them to do so. The high ratings needed to draw favourable advertising rates are so important to these enterprises that they are unwilling to take risks even with commercially produced material lest the audience draw be affected negatively (Comstock, 1989).

The content of television programming is as much the medium as is the technology through which it is made possible. Television programming and its effects will be discussed in depth in Chapter Three but it is enough to note here that programming is, by far, the aspect of the television industry with which the general public is most familiar. Thus the media are the structures, the technology, the political, economic and

artistic interests and the product of the image on the screen in our homes. In defining or discussing the television media, there is no way that these elements can be disassociated.

Who or What is the State?

> Although it is certain that for the fundamental productive classes (capitalist bourgeoisie and modern proletariat) the state is only conceivable as the concrete form of a specific economic world, of a specific system of production, this does not mean that the relationship of means to end can be easily determined or takes the form of a simple schema, apparent at first sight. It is true that the conquest of power and achievement of a new productive world are inseparable, and that propaganda for one of them is also propaganda for the other, and that in reality it is solely in this coincidence that the unity of the dominant class -- at once the economic and political -- resides (Gramsci, 1971:116).

In Canada, the state has played an active role in orchestrating and maintaining the economic connection between the private interests which dominate the exploitation of the country's numerous natural resources (staples) and outside interests willing to trade, but more interested in direct investment and ownership (Innis, 1956). In the United States, the state has historically promulgated a _laissez faire_ policy which favours de-regulation over regulation and which, in part, results in the domination of market forces. Panitch (1977), citing Miliband, provides a point of departure for discussion of how the state exerts control over social and economic affairs:

> As Miliband points out, the state is not merely the government, far less just the central government. The state is a complex of institutions, including government, but also including the bureaucracy (embodied in the civil service as well as in public corporations, central banks, regulatory commissions, etc.), the military, the judiciary, representative assemblies, and (very

importantly for Canada) what Miliband calls the
sub-central levels of government, that is, provincial
executives, legislatures, and bureaucracies, and
municipal governmental institutions (Panitch, 1977:6).

Panitch (1977), goes on to say that the state is NOT "political

parties, the privately owned media, the church, [and] pressure

groups". These, he suggests, are elements of the political

system which are distinctly separate from the state although

they exert significant influence upon it. In the context of

this thesis it is clear that the state is represented by

government bodies and agencies which develop, interpret and

implement formal policy regarding communications generally and

public access to television in particular. Canada's Parliament

and the House and Senate in the United States are responsible

for setting out the national communications policies which are

codified in the Broadcasting Act and the Communications Act

respectively. The Canadian Radio-Television and

Telecommunications Commission (CRTC) and the Federal

Communications Commission (FCC) are the regulatory commissions

which interpret the Acts, develop regulations and oversee their

implementation. According to Miliband's conception, private

media can not be considered an arm of the state. However, in

the case of the Canadian Broadcasting Corporation (CBC) an

institution "in, drawing authority from, but not of the state"

there is a question as to its status as an element of the state

or not (Hall, 1986:42). This question also arises in the case

of private cable stations who are required in Canada, through

government policies, to provide access to the public. At what

point does a state policy become a private initiative and, conversely, at what point does a private industry become the arm of the state?

Most Marxist interpretations of the state focus on its function as a bourgeois tool for accumulating capital and legitimizing the acts and relations involved in such accumulation. This conception is in keeping with Gramsci's notions of state and civil society except that it priorizes the economic/material over the ideal. These theories posit that the state is composed of elites and has served elite interests which, historically, have been economic interests. While broad enough to explain social and economic phenomena in general terms, they 1) fail to communicate more particularistic conceptions of how the state promotes accumulation and legitimation, and 2) are limited and limiting in their tendency to bound social constituents and their roles in society.

One alternative to instrumental treatments of the state is work that has been done in Cultural Studies. This approach suggests that social actors (individuals and groups) attempt to acquire more than just monetary or material capital. They seek capital that is less identifiable; capital that takes the shape of ideas, values and behaviours.

Hall (1986) suggests that the state is a cultural institution composed of elites -- elite by nature of "cultural capital" as well as their material capital. "Cultural capital" is a concept developed by Bourdieu (1977) to describe those

signifiable traditions, values and preferences that can be used to identify people and things "elite". While different classes and alliances identify with different types of cultural capital, elites, in control of government and other political and economic constituents, can ensure that those entities with identifiably elite cultural capital have more access than those without (Willis, 1977).[12] On this account, cultural capital is distributed, in part, through institutions of the state such as government and the educational system and those outlined above by Miliband, as well as those branches of the media (legislative, regulatory) which are specifically state sanctioned. Hegemony is maintained through the active promotion of people, institutions and ideas which are identifiably elite. Because elites have so much material and ideal control of society, they are able to promote their own interests at the expense of others.

Hall (1986) and Foucault (1977) argue that before the turn of the century, elite control was largely reliant on physical force. However, economic and systemic changes at the turn of this century required and precipitated new political formations. This period's "rise" of democracy enfranchised adult males, but democracy became a "problem" as new alliances formed (i.e. The Labour Party; women) and demanded enfranchisement as well (Hall). These transformations of social and political relations

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[12] In this instance, Hall uses a Gramscian framework to discuss, specifically the case of Britain. I believe his ideas are broadly generalizeable to a North American context.

required a new type of state.

> [The State] had become, formally at least, fully representative (one man, and shortly thereafter, one person, one vote) and its rule had, therefore, to assume the appearance of universality -- treating all citizens equally. This posed quite new problems of political, social and cultural management. The leading social classes and their interests had to sustain their position of dominance -- yet, somehow, within a state which claimed that political power had been equalised and "democratised". The question, then, was how to <u>contain</u> democracy while, at the same time, maintaining popular consent, in the circumstances of economic upheaval and intensified international rivalry (Hall:39).

In order to maintain power under a democratic rubric, the state elites had to adopt new, and perhaps more subversive, methods of operation. While elite domination was overt up to this point -- the force of the state was not an uncommon occurrence -- material conditions were such that elites could no longer dominate by force. Rather, ideological strategies were employed and, with this transformation from force to "persuasion", domination likewise transformed into "hegemony". According to Althusser (1971), ideology and hegemonic relations are transmitted and reproduced through "ideological state apparatuses" -- institutions such as legislative and regulatory bodies, the media and the educational system.

> The only force capable of imposing authority and leadership in these circumstances was a new type of state: the universal neutral state, representative of all the classes; the "representative state", the state of "the people", the common good, the "general interest"; the state that could steer, incite and educate society along certain definite pathways, while retaining its appearance of universality and class independence -- "above the struggle", party to none (Hall, 1986:39).

Unlike Althusser (1971) and Adorno (1957) who perceive the

state's influence and ability to successfully impose ideology as manifest, cultural theorists such as Hall (1979, 1986, 1988), Williams (1974), Willis (1977), and Giroux (1989) suggest that there are sites of and movement toward resistance within and without the state. One example of this is the critical pedagogue who, although engaged by the state to educate students (citizens) using a particular curriculum, may also be engaged in encouraging his/her students to develop skills with which they can critically analyze the form and function of that curriculum in a broader socio-cultural context. Another example is groups and individuals such as academics, activists and/or business people who either are subsidized by government, closely related to government, employed directly by government or completely independent of government who promote "liberal" or "progressive" agendas. Conversely, there are independent groups and individuals who promote "conservative" agendas (i.e. Moral Majority, White Supremists). Cultural Studies have provided the preponderance of work which explores the state and state apparati as sites of struggle for both material and ideological control. They have focused largely on those forces, whether state forces or not, which promote and legitimate material and ideal capital accumulation and elite hegemony, as well as the relevant counter-hegemonic activity which works to vitiate elite and inequitable interests.

The second limitation of traditional and instrumentalist theories of the state is that they stubbornly continue to

underpin, and constrain, current conceptions of the state and political economy. Limited by their tendency to dichotomize the players and relations in societies -- capital/labour, bourgeoisie/proletariat, order/chaos, etc. -- these theories are also limiting in the way that social phenomena, such as resistance movements, are categorized in terms of and in relation to these dichotomies. Magnusson and Walker (1988) persuasively argue that capital, and the state as its promulgator, has been "de-centred". Not only have political and economic relations changed locations (i.e. from a national to a global scale), the conception of capital as something material and external to the "revolutionary subject" has acquired new status as something within his/her consciousness. Resistance no longer requires the massive collective action of the "proletariat". It can take the form of "critical social movements" "which react to immediate conditions, lack any grand strategies, welcome small victories, fail to reconcile their objectives, and have no clear revolutionary potential" (67-68). These authors suggest that critical social movements have not taken on the ideology of traditional theories of the state and, because of this, 1) may have more emancipatory potential than traditional movements and 2) may open new ways of conceiving of the state and its function in society.

These are important developments. They suggest that traditional theories and categories, often taken for granted, need to be questioned and subject to scrutiny. By removing

these theories and categories from the privileged status they have long held, those interested in deconstructing current relations can reexamine and reconstruct relations with which new and more encompassing theories can be developed.

As Gramsci (1971) and Panitch (1977) argue, here the state is broadly construed as the integral entity that develops, interprets and implements regulatory policies. Such policies respond to ideas or goals that have been deemed necessary, viable, desirable etc. by individuals and groups of people who constitute the state. These ideas and goals are usually chosen from diverse representations for advocacy, support or protection that come to the state from various social actors. In the context of this thesis then, the state is the entity which holds ideological and regulatory power over the technical/economic power of the television/communications industries and over the latent popular power of the general public.

In a discussion of the state as it pertains to television, the effect of business interests in the educative power of television for economic reasons, and business interests in the members/powers of the state that may further those economic interests, must be considered. Because the state has historically been dominated by monied, male elites (a condition that generally persists in North America to date), the close ties between business and politics is understandable. However, the state also has a rhetorical obligation to "protect persons and property and...maximum freedom from interference to each

individual" and this should also be taken into account (Jaggar, 1988:33).

Because the state has the power to regulate the terms of television's operation through policy, it has the ability to indirectly shape television programming. The implications of this are vast.

Policy as the Articulation of State-Defined Political, Social, Economic, and Cultural Objectives

While economic factors are significant in shaping material and ideal components of societies, they are also mediated by other input - political, social and cultural. These all play a role in defining the geographic and ideological boundaries of a country to some degree. As we have seen in the previous discussions of the "public" and the "state", North American society is not homogenous -- different alliances vie for different kinds of power. Yet, there are power elites who have access to the material and ideological apparati through which they can influence and control society, in part, by determining its interests. One way that this is accomplished is through formal pronouncements on matters of social, political, economic and cultural interest as they are codified in policies, legislation and regulations.

> Take the issue of free trade. This is generally regarded
> -- by Central Canadians at least -- as the primary
> political issue of the day....Why should free trade be
> regarded as the primary issue?....The obvious answer...is
> that the Canadian state has defined the issue as central.
> The media have accepted this definition and propagated it
> among the public at large. No doubt this reflects the
> priorities of the capitalist class (Magnusson & Walker,
> 1988:65).

Policy science, or policy analysis, is the study of the knowledge, processes, and components relevant to policy development and implementation. Most policy analysis focuses on the policy-making process which consists of: 1) a "problem" to be addressed, 2) resources such as information, skills, expertise, funding, etc. with which the problem is tackled, and 3) policy-makers who utilize the resources in a variety of ways to either make policy or reformulate the problem (Gaskell, 1988; Weiss, 1977; Lindblom & Cohen, 1979; Majone, 1989). This thesis will focus on the final product of the policy-making process -- policy documents and the actions they prescribe. However, there is merit in understanding the ways in which the policy process is conceived and formally studied. On this account, the manner in which policy analysts and policy-makers categorize and develop policy can be examined as a way to contextualize policy and its applications.

Weiss (1977), Bulmer (1983), Rubenson (1989) and Lindblom and Cohen (1979) indicate that research is primarily used in the policy-making process as a means of "enlightening" policy decisions. Along with Dorn and Troyna (1982), Gaskell (1988), and Torgerson (1986), and in opposition to Postlethwaite (1986), they emphasize the political nature of all three aspects of the policy-making process. Majone (1989) and Mitroff and Mason (1981) emphasize the dialectic nature of these three components.

While traditional linear, hierarchical problem-solving

models are giving way to more conceptual, holistic and interactionist models, many scholars do priorize certain aspects of the policy process over others. Guba (1984), Rist (1981) and Rein and Schon (1977) point to the importance of clear definitions of policy, philosophical orientation and, particularly, how the problem is set in making policy that can effectively address the issues at hand. Handleman and Leyton (1978), Harman (1980), Hummel (1987) and Weber (in Gawthorpe, 1969) give precedence to the importance of bureaucratic and administrative influences on the process.

Of particular interest for this thesis are three positions on policy analysis and the policy-making process which explain, in different ways, how policy can be used for hegemonic ends. The first, held by Dorn and Troyna (1982) in their discussion of multiracial education policies, is that policy is formed just as much from lack of identification and consideration of issues as from their active role in the process. "Thus, the exclusion of issues from the agenda may be due as much to the taken-for-granted acceptance of the terms of reference of debate (that is, a sort of ideological inertia) as to the manipulation by conscious non-decision-making. In a word, our concern should be with the problem of legitimation" (177). As a result, policy outcomes or, more important, lack of outcomes indicate the preferences of those elites in control of the policy process and their ability to set the agenda. The second position runs tangentially to this first. Lindblom and Cohen (1979) and Weiss

(1977) hold that "ordinary knowledge" -- people's common sense notions of what "is" -- often have as much or more to do with policy decisions than more formal resources. In this case, research serves as a way to legitimate previously held or desirable notions to which policy-makers continue to hold fast, even in the face of contrary evidence. Outlining the debate on how common sense notions are formed is beyond the scope of this thesis, however, there is merit in considering discourse theory 1) as one explanation of how knowledge, including common sense knowledge, is constructed and 2) as one method of considering how texts/signs are involved in policy-making. This excursus into discourse theory is the third position.

Theorists such as Foucault (1977), Barthes (1977), van Dijk (1987), Seiter (1987) and Edelman (1977) have found semiotics -- the study of signs (particularly language), their meanings, and their social uses -- fruitful ways to study the production of knowledge and its function in society.

> The semiological approach identifies itself, from Hjelmslev on, as an anti-humanism which out-modes those debates -- still going on even now -- between philosophers, where one side argues for a transcendence with an immanent "human" causality which the other argues for an "ideology" whose cause is external and therefore transcendent; but where neither shows any awareness of the linguistic and, at a more general level, semiotic logic of the sociality in which the (speaking, historical) subject is embedded (Kristeva, 1986:25-26).

In considering the merits of a semiotic approach to policy-analysis, we are sensitized to the importance of discourse/text in the production of knowledge and material relations. This thesis does not undertake a formal semiotic

analysis of policy documents in the tradition of Lacan, Derrida, et al. However, in its analysis of policy documents and the implementation procedures which pertain to public access to television (texts of various kinds), sensitivity will be shown to the symbolic impact of the language. This may shed light on what each country's pronounced social and cultural objectives are, and whether the provisions for public access reflect their intent.

Edelman (1977) is a semiotician who studies the language of policy and politics in order to determine for what ends they are used. Although the following quote refers specifically to his own work regarding the manner in which political language and symbols encourage acceptance of poverty and inequality, it artfully articulates the context within which this study of policy provisions for public access to television takes place.

> The pluralist aspects of American politics, through opportunities for individual, direct participation in politics and through group affiliations, might seem, at first glance to provide people with the chance to affect political life. Yet careful analysis of pluralist assumptions over the past ten years reveals that pluralism does not substantively contradict the position that American politics manipulates mass attitudes and perspectives. Pluralism may ensure competition among elites and at times may provide masses with opportunities to participate in decision-making, thus conveying a sense that popular democracy thrives. But pluralism and practice also means elite dominion on the major issues salient to elites, severe limitations on protest group activity, and manipulation of the terms on which "issues" arise and are processed (xvii).[13]

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[13] Edelman seems to construe the term 'pluralism' broadly. Thus, the notion of populism could, and should, be included within his treatment.

On this account, policy is one articulation of state-defined political, social, economic and cultural objectives. Our analysis of those documents which make provisions for public access to television will examine how government has articulated a venue through which the public can exercise a pluralist, participatory role in the medium of television. The importance of this access as a realization of the intent of a liberal democratic philosophy cannot be denied. However, it is perhaps more significant because it provides the public a way to counter television's productive power as an elite and ideological discourse. Such participation and potential opposition through television has been made possible only through regulation on the part of the state.

CHAPTER THREE

THE NORTH AMERICAN CONTEXT

Television is a pervasive medium in North American society, and the public has little control over it. Canadians watch an average of 23.4 hours of television every week. For the most part, entertainment programming is preferred, although different groups prefer different types of programming (i.e. drama, comedy, news, etc.) (StatsCanada 87.208 Television viewing, 1989). The statistics are little different in the United States. Thus, North Americans spend an average of 48% of their leisure time watching television -- 3.4 hours a day in Canada and 4.2 hours a day in the United States. Not only is television the primary leisure activity, it is also the primary and most trusted source of information (Collins, 1990; Comstock, 1989; Kubey & Csikszentmihalyi, 1990; Seigel, 1983). What kinds of information are these media transmitting and with what effect on the viewing public? These questions will be illustrated using the example of "minority" representation and participation in commercial television production and programming. Research on the effects of such programming both on general and "minority" populations will also be discussed. "Minorities", in this context, will indicate identifiably "racial", ethnic, or female characters and issues.[14]

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[14] While Canadian research and television programming is considered in this review, the focus is predominantly on research and programming in the United States. This is attributable, in part, to the sheer abundance of research on the American context. However, these findings should be generalizeable to a Canadian

The assumptions that underpin this discussion are 1) that television has educational "productive power", 2) that this power is one key factor in the maintenance of political, economic, social and cultural relations, and 3) that business and government elites control the preponderance of television's productive power through their control of access policies and television technology.

Because of television's productive power, misrepresentations can take on ideological dimensions. What the industry intends as entertainment (i.e. caricature characters such as Archie Bunker or Bart Simpson) may, in the end, present unfavourable or absolutely inaccurate stereotypes and relations. If people do use knowledge learned from television as a base for some of their actions, as Signorielli (1985) and Jackson et. al (1986) hold, then television programs which promote inequitable relations may figure significantly in producing and/or reproducing relations which are based on the subordination of certain people, behaviours and ideas in North American society. Changing these conceptions and relations is, in part, dependent upon changing the face of television programming.

As Montgomery (1989) documents, there have been a number of

context because Canadians have received American television for a long time. It may be that Canadian lack of experience and exposure to certain elements of American society make them more susceptible to or disposed to developing stereotypical images about them. For example, because of demographic differences in the 'minority' constitution of each country (Canada's Black population is relatively small compared to the United States), it may be that Canadian viewers will develop a negative stereotype of Black Americans and their status in American society.

grassroots attempts to influence television industry elites (producers, directors, writers, etc.) to incorporate favourable treatment of diverse characters and issues into programming (women, "racial" and ethnic "minorities", the aged, gays and lesbians, etc.). These attempts have met with varying success. Another approach to changing the face of television would involve giving the public greater access to television production and programming. In this way, the community creating television images and issues is broadened considerably and more likely to bring to it a more diverse perspective than has been the case to date.

To provide theoretical and empirical substantiation of these assumptions, the following section will illustrate the case of "minority" status and participation on television as both a shaper of, and response to, "minority" status and participation in society. "Minorities" are often under-represented or misrepresented on television and there is some indication that such portrayals affect their functioning in society negatively for a number of reasons. Because the traditional television industry has not offered "minorities" positive treatments of characters, issues and concerns, the importance of an alternative to mainstream television is that much more important. Public access television is one such alternative. It would allow individuals and groups autonomous access to the production and programming of characters, issues and ideas with personal import. By considering the current

democratic and educational opportunities of television in light of "minority" populations, the scope and function of current television for all of North America will be outlined.

Television Representation

In 1975, The Corporation for Public Broadcasting (a U.S. agency) sponsored research to look at television representation of "minority" groups. The result, Nancy Signorielli's (1985) Role Portrayal and Stereotyping on Television: an annotated bibliography of studies relating to television representation of women, minorities, aging, sexual behaviour, health and handicaps comprehensively demonstrates that these groups, and the issues concerning them are, indeed, under-represented and/or misrepresented.

> Roles are created in direct relation to their usefulness on television. The most numerous, and hence most useful roles involve jobs, adventure, sex, power, and other opportunities and chances in life. Like most resources, these values are distributed according to status and power. Dominant social groups tend to be overrepresented and over endowed, not only absolutely but even in relation to their actual percentage in the real population. Minorities are defined by having less than their proportionate share of values and resources, meaning less usefulness, less opportunities, and fewer but more stereotyped roles. Underrepresentation signifies restricted scope of action, stereotyped roles, diminished life chances, and under-evaluation ranging from relative neglect to symbolic annihilation (xii).

More recent studies remain consistent with Signorielli's bibliography, and the generalizations made from it. There has been little change both in the way that "minority" representation is determined, and in the nature and scope of television portrayals of "minorities".

Content analysis has been the primary method used to measure "minority" representation in media. These studies identify certain significant characteristics (gender, age, "race", ethnicity, sexual orientation, philosophical orientation, etc.) and count the number of times characters with these characteristics appear in a particular medium over a period of time. More detailed analyses can be achieved when "minority" appearances are categorized in some specific way (i.e. dominant or subordinate role, hero or villain, speaking or silent, attached to violent or nurturant behaviour, etc.).

While individual "minority" groups are usually stereotyped or represented in specific ways, it is safe to say that white, middle-class, heterosexual, able-bodied males are considered the "norm" or "standard" on television. It is this norm against which other characters appear, are measured, and don't quite seem to measure up (Segger, Hafen & Hannonen-Gladden, 1981; Evuleocha & Ugbah, 1989; Steeves, 1987). This "norm/standard" is a construction based on the fact that white male television roles are greater in number, authority and status than those of other characters. Oddly enough, the construction appears natural; but, is it? Do the demographics and images of North American society portrayed by television accurately reflect those found in real society? If not, what are the portrayals, what is the purpose of such portrayals, and should some effort be made to change them?

Content analyses over the years have shown that television

representations of "minorities" come nowhere close to the "real" demographics of North American society. Generally, females comprise 51% of the North American population and "racial"/ethnic "minorities" comprise 60% of the total population (1991 U.S. Census, 1992 Canada Yearbook and World Almanac). On television these numbers are not upheld, and when "minorities" are depicted, it is often done through stereotypic roles and situations which do not necessarily reflect these groups' actual contributions to society.

Colle (1968) determined that between 1930 and 1940 representations of African-Americans in all U.S. media (film, print, radio, etc.) were "distinctly negative" with representations between 1940 and 1960 falling to such a degree that Blacks were practically not represented. In 1962, a Black person could be seen on television once every 2.5 hours (Plotkin,1964). Greenberg and Mazingo's (1976) replication of an earlier content analysis done by Dominick and Greenberg (1970) showed that the representation of Blacks on U.S. television had improved numerically between 1967 and 1973, increasing from 4% to 14% in ads and 34% to 43% in television dramas. Half of all shows between 1970 and 1975 "contained at least one Black character" (326). A 1980 study found that ethnic males outnumbered ethnic females by three to one for Black portrayals and by five to one for Hispanic portrayals (Greenberg). Asian, East Indian and Native American portrayals occur even more rarely and tend to be more stereotypical

(Williams, 1986).

In a content analysis of prime-time television on CBC English (CBCE), CTV, NBC and PBS, Jackson, Travis, Williams and Phillips (1986) found that 66% of the programming contained ethnic "minorities" but only 13% of it (9% of programming) contained these characters in prominent roles. It found also that most programs portrayed the "powerful/authoritative/knowledgeable" as non-ethnics: ranging from 91.2% on CBCE to 68.6% on PBS. Three of the six programs which showed ethnic "minorities" in this role were on PBS with the total percentage of shows being 4.7%. Significant findings in this study showed that Canadian networks' programming tended to show ethnic characters with strong ethnic identification in a negative light or having trouble functioning in society. This is not to say that American television's representations are not similar, they just seem to have a lesser degree and amount of these kinds of portrayals.

News and informational programming has not necessarily been more favourable to "minorities". On the one hand, these media were perhaps the first to give "minorities" serious treatment. On the other hand, news media have tended to under-represent and misrepresent "minorities" through the way news is gathered, framed and structured (Ungerleider, 1991a; Gitlin, 1980). Chicanos, Blacks and other ethnic and "racial" "minorities" are often represented in news media as chronic perpetrators of crime and the cause of other domestic problems such as unemployment,

shortages of housing, etc. (Gutierrez, 1978; Hall, Critcher, Jefferson, Clarke & Roberts, 1978; Knopff, 1975; van Dijk, 1987b). Downing (1980), in looking at British and African television, found that Blacks rarely have the opportunity to express their opinions in media. Instead, the media are filled with the opinions of white, male "experts", called in to read the situations at hand. Even when "minority" viewpoints are solicited, they are often distorted to reflect a dominant perspective (Harriet Walden, personal communication, June 1991).

Women are also under-represented and misrepresented in North American television. Studies covering different television genres found that, nearly across the board, women are excluded and under-represented from television content, production and programming. They are relegated to, and seem obsessed with, traditional family roles [and their sexual attractiveness]; employed women are subordinate to men and in traditionally female occupations; they are more passive than men; and the women's movement is distorted or ignored by television. Women are particularly absent from, or stereotyped in, children's cartoons and all advertising whether directed at women or children. In these situations male characters and male voice-overs predominate (Butler & Paisley, 1980; O'Kelly, 1974; Dohrman, 1975; Signorielli, 1985; Streicher, 1974). Gallagher (1981) points out that between 1954 and 1980, the representation of women as measured in the percentage of female characters has decreased from 34% to 28% (38). More recent studies corroborate

these findings (Robinson, 1989; Steeves, 1987; Byars, 1987) although women are being shown in more out-of-the-home settings (Ferrante, Haynes & Kingsley, 1988).

There are many drawbacks to content analyses -- the primary one being that quantity is not quality. Streicher (1974) demonstrates this in her content analysis of weekend morning cartoons on American stations. In cartoons where females are equal to or outnumber males, they continue to occupy roles which portray them as subordinate to and romantically obsessed with (or disgusted by) their male colleagues (126). Another drawback to this type of research is that when more detailed and subjective information is sought (i.e. motives behind a character's behaviour, how a character is perceived by other characters, etc.) not only are there no objective criteria, but applying them is a subjective process. In the following explanation of method in Jackson et al.'s (1986) content analysis of ethnic portrayal on major Canadian networks, note how different coders might have different thresholds of "enough information" to significantly affect whether a character would be considered ethnic or not:

> In keeping with our philosophy of avoiding extremes of micro-level analyses, our analyses focused on individuals about whom the program provided enough information to identify their ethnic origin (as other than "mainstream" white). As the coder watched to program, he or she noted on a cover page the major characters in order of appearance and starred those who were ethnic (2).

Finally, in the climate of current social theory, simplistic categories used in earlier content analyses are no

longer valid. As social theory views society more as a plurality of intersections and articulations of specific qualities, histories and ideologies, it has tended to call for increasingly particularized categories. Early content analyses looked for representations of blacks, or women, or Asians -- broad, homogenous categories. Now studies seek particular intersections of characteristics. Steeves and Smith (1987), undertaking a socialist feminist content analysis of prime time American television, sought to find how different articulations of gender and class were portrayed in these shows (low, middle and high class females, and low, middle and high class males). Generally, they found that characters who were identifiably lower class were portrayed negatively. Women portrayed as high class engaged less in domestic work and child-rearing. Lower class women were portrayed as sexually promiscuous or immoral. While a socialist feminist framework aspires to analyze class and gender as it <u>intersects with</u> "race"/ethnicity, the authors acknowledge their own failure to do so in this context.[15]

Perhaps the most telling measure of the accuracy of television treatments of "minorities" is the degree of "minority" concern with their treatment in the medium. Katheryn Montgomery (1989), in her book <u>Target: Prime Time</u> illustrates

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[15] This is a common occurrence with socialist feminist work. However, individuals who attempt these analyses must be commended for their willingness to engage in such difficult yet important work. In the case of media, more interpretive analyses have been undertaken (for example, Press, 1991). However, the data here should be sufficient to indicate that television does under-represent and misrepresent "minorities".

how groups like the National Organization of Women (NOW), the National Association for the Advancement of Colored People (NAACP), the League of United Latino Citizens (LULAC) and others, have fought continuously for access and more favourable representation. While this sort of action was at its height during the early seventies it has died down considerably because of changes in policy and protocol (i.e. the revocation of the Fairness Doctrine or the modifications of station license renewal procedures). However, pockets of activism do remain. The Caplan Sauvageau Task Force on Broadcasting Policy (Canada, 1986) reported that briefs submitted by cultural "minorities" expressed a great deal of concern over "stereotyping, unbalanced reporting and a lack of minority representation in mainstream broadcasting" (537). Canada's MediaWatch, a non-profit organization devoted to promoting employment and positive representation of women in media; and the AdBusters Media Foundation, an environmental/media strategy group, monitor media and perform educative and lobbying functions. In Seattle, the Northwest Coalition Against Malicious Harassment, a coalition of organizations from 5 NorthWest states, monitors the media for hate messages. In contrast to what many television industry representatives might argue, these actions indicate that what television has to offer is not necessarily what the public wants (Johnson, 1970; Montgomery, 1989).

Dissatisfaction with television representation of "minorities" is not always directed at the media industry.

There is a strong move afoot in school systems for media education/media literacy. The premise is that since change on the television screen will not be rapid, children and adults should be educated in order to look at programming critically. In this way, television consumers themselves will be empowered by their ability to deconstruct discriminatory, stereotypical and consumer oriented programming. Such efforts are only beginning to have an impact on Canadian and U.S. schools. For example, as of last year Ontario is the only province with a Media Education mandate in Canada although media education has been "in place" for a number of years (Greer, 1992:23).

Why are stereotypes as pervasive as they are in the television media, and how do they come to be? Kellner (1990) proposes the following:

> A variety of economic, political, and cultural factors help determine the trajectory of how various groups are represented in television entertainment. These include how advertisers and the television networks perceive the consumer power of various groups; the extent to which groups like blacks, women and workers are organized and force media attention on their demands through political struggle; and the extent to which representatives of these groups are active in media production and are able to articulate their experiences and perceptions. Whether images of specific groups are present or absent, positive or negative, is thus the result of a complex set of factors and influences (122).

Like Kellner, Muir (1987) proposes that "minorities" (in this case, women) are denied access to key jobs in industry and, because of that, they are denied much deserved input into the creation and production of media concerning and representing them. A contrasting view can be found in the quarterly journal

Al-Raida where an anonymous author indicates that traditional portrayals of Arab women persist even though a good number of Arab women work in the media (1984). However, the factors which mediate their reticence, silence or total disinterest in providing less traditional portrayals of women should be further investigated. van Dijk (1987) suggests that media reliance on "elite" sources of information and results in its tendency to uphold dominant ideology and produce establishment-type portrayals of "minorities". Ungerleider (1991a) also takes this stance adding that news-gathering techniques and story structures tend to result in stereotypic portrayals of "minorities". He argues that syndicated news sources and "pack" and "copy-cat" journalism result in narrow news content and perspective because primary (usually elite) sources are consulted and interpreted once with other stories merely reflecting the first interpretations. Stories are also often presented as narratives which tend to simplify complex situations into hero/villain dichotomies. As discussed earlier, concentrated media ownership and production may also encourage under representation and misrepresentation of "minorities" (Herman & Chomsky, 1988; Schiller, 1976; Kellner, 1990; Eamon, 1987; Hardin, 1985).

> The stereotypes usually derive from editors' and reporters' immediate work and social circles, and from premises that filter through the organizational hierarchy: from sources, peers, and superiors, on occasion from friends and spouses, and from the more prestigious media reports, especially those of the New York Times and the wire services. Journalists and executives may justify these images in terms of audience

interest...but they perceive the audience through a frame, darkly (Gitlin, 1980:267).

One thread that connects most of these explanations of stereotyping is that television discourse is an elite production. While studies have been done to determine the number of "minorities" working in the television industry (Muir, 1987; Astor, 1975), the conclusions only speculate as to whether increased "minority" production and programming people make a difference in the type of programming that results. There are instances where "appropriate" "minorities" have been hired by production firms to consult on a show's content and treatment of "minority" roles and issues (Margiulies, 1981; Montgomery, 1989). Again, it is difficult to say whether these actions result in less derogatory programs. It also raises a question of the degree to which a person's "minority" identification makes him/her qualified to represent and articulate the desires and qualities of a certain population. At the very least, someone hired in such a position cannot be aware of all of the diversity in his/her group.

This treatment has focused on television representations of "minorities" although representations of violence, consumerism, youth and beauty culture, etc., could also have been considered. If one believes that television has educative and socializing potential, then data such as these are compelling reasons to further examine what the effects of such representations are. Also, in light of the data which suggest "minority" participation in the television production process might temper

or alter some of these representations, public access television -- as the only participatory venue for the general public (including "minorities") -- seems an important site of potential challenge to these discourses.

There is a growing interest in television as a site of liberal resistance and positive social change (Giroux & Simon, 1989; Lee, 1990). For example, Lee suggests that the American situation comedy Rosanne, "represents a form of resistance in popular culture since it starts to nudge off-centre the dominant ideologies of much mass entertainment". She argues that such programming challenges traditional ways of thinking, however fragmentarily, and plants seeds for positive social change (20). This is good news indeed, and is certainly in keeping with this thesis's attempt to find ways to diversity television programming. However, because this type of progressive programming comprises only a meagre portion of traditional programming, it seems hasty to laud the medium as a whole for this promise of transformation. The data are clear that television portrayals of "minorities" are generally stereotypic and unrepresentative. Rosanne and its high ratings provide the promise that the diversification of television images and relations is a positive and salable matter. There still is much work to be done.

Television Effects

Television both mirrors and leads society. What we see
on television reflects our own life experiences. Writers
take daily happenings and turn them into stories.
Television is also a teacher. Research (controlled for

demographic characteristics) has consistently revealed that those who watch more television tend to view many aspects of the world as they are reflected on television. Therefore it is extremely important that television programs eliminate stereotyping and underrepresentation (Signorielli, 1975:xviii).

While cognitive and behavioral quantitative analyses continue to dominate effects research, there is a distinct trend of "cultural" and "discourse" analyses emerging which tend to focus on effects from a qualitative and more sociological perspective. As will be made apparent in this section, for a number of reasons there is no conclusive television effects research. Also, changes in the philosophical and methodological approaches to this topic have resulted in a hiatus of effects studies in recent years. This discussion will focus more on the theoretical bases of effects research in order to illustrate how the effects on viewers of television portrayals, whether of people or of violence, are explained in the current research debates.

The research is fairly consistent in stating that television does seem to have some influence on audience perceptions and behaviours. There is less agreement about what the effects are and exactly how they are transmitted and processed. Historically, media was first thought to have a "hypodermic needle" effect on its audience -- media exposure affected audiences directly and without consideration for specific audience characteristics. This model was replaced in the 1940s by a "two step flow" theory whereby audiences were affected by "opinion leaders who in turn influenced others" --

media being the vehicle through which opinion leaders were represented (Wartella & Reeves, 1985).

A number of theories have been developed: selective exposure theory, schema theory, uses and gratifications theory, agenda setting theory, cultivation theory and discourse theory. Researchers comment that current methodologies cannot isolate media influences from the other social and cultural influences on viewing subjects and, thus, measurement results. While it seems that no one theory can fully explain television effects, each contributes to knowledge about the process and effects of media use. This thesis takes an integrated view of the effects debate and holds each of these positions correct to some degree.

Selective exposure theories and uses and gratification theories are similar in that they suggest viewers use a medium's information selectively, gravitating toward information or images which are useful, pleasing or not prone to disturb one's sense of placement in the world (Rosengren, Wenner & Palmgreen, 1985 in Graber; Vidmar & Rockeach, 1974 in Wilholt & DeBock). Schema theory holds that people develop "scripts" or "plans" about how the world is, or should be, based on their previous personal experiences. Information which fits into already formed schemata is easily assimilated and understood. However, contradictory information (when not sufficient to create a new schema) is either incorrectly remembered and used or ignored altogether (Williams, 1986; Singer, 1988; Hawkins & Pingree, 1982).

Agenda setting theory focuses on the tendency of societies to function in waves and pockets of similar opinion and demands. This theory argues that because certain depictions and issues are prominent in media they are also given prominence in popular opinion and behaviour (Graber, 1989; McLeod, Becker & Byrnes, 1974 in Steeves). Cultivation theory, or socialization theory, is similar to agenda setting except that it works from the premise that the media actually shape _reality_ or the way that people "cultivate" their notions of themselves and others in the world, not just the importance and content of particular topical issues (Atkin, Greenberg & McDermott, 1983 in Graber p. 184 note 10; Steeves, 1987; Gerbner & Gross, 1976; Gerbner, Gross, Morgan & Signorielli, 1980 in Steeves; DeFleur & Ball-Rokeach, 1989 in Signorielli, 1991; Keicolt & Sayles, 1988; Noble, 1975). Cultural and discourse analyses also depart from this premise but have tended to be more conceptual.

A discourse analytical approach to television effects consists of first looking at media discourses and what they say about a particular issue (as has been done regarding "minority" portrayal on television). These "texts" are to be examined to determine what structural, emotional and cognitive premises they are based upon. In effect, the structures in the texts reflect (and produce) those structures in society. Thus, such knowledge about the text can give insight into how a particular discourse

might be acquired, transmitted or reproduced.[16]

van Dijk (1987) using discourse analysis to determine how "racial" and ethnic prejudice is acquired and reproduced has found that a significant number of people attribute their knowledge and beliefs to media influences. His data show that television watchers are more prejudiced than newspaper readers, and people who have greater direct contact with diverse groups seem to be less prejudiced than those with little contact (134).[17] People cite television personalities as sources rather than the television itself. And it is interesting to note that the highest prejudice scores were achieved by individuals citing other individuals as their sources of information. It may be that as people become more comfortable with television personalities as "real" people within their homes, these sources will exert increased influence on the viewing public. However, the point is that,

> Most...prejudices are based on information derived from various elite discourse types and/or their reproduction through the mass media. If we want to explore the social "origins" or "formulation places" for consensual attitudes about ethnic groups, we must look at those groups that have the power and control over, and the

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[16] Elite discourse, by nature of being elite, is largely discriminatory.

[17] While van Dijk indicates that these findings may have class overtones -- newspaper readers have higher SES overall than television watchers -- it would seem that the viewing quotient and the contact quotient are at odds. Logically, lower SES people are likely to have less education and prefer television over print media; increasing their viewing quotient. But van Dijk suggests that the inter-"racial" contact quotient of lower SES people is higher than that of high SES people even though he indicates here that contact and prejudice are negatively correlated.

access to, such discourse and reproduction types (376).

In recent years we have seen an increase in empirical cultural/discourse analyses (Press, 1991; van Dijk, 1987; Fiske, 1989). Signorielli's description of cultivation analyses explains the general empirical focus for agenda setting, cultivation and cultural/discourse approaches succinctly:

> In its simplest form cultivation analysis tries to ascertain whether those who spend more time watching television are more likely to perceive the real world in ways that reflect the most common and repetitive messages and lessons of the television world, compared with people who watch less television but are otherwise comparable in important demographic characteristics (87).

Despite the differences in theoretical orientation and methodologies of television effects studies, those that research television's effect on the production of discriminatory attitudes and behaviours largely agree that there is some positive correlation between these and television viewing.

Although the information is far from consistent, a number of scholars concur that in knowledge/experience areas where people do not have a great deal of exposure or experience (family, school, etc.) television may be the one place where they have access to such information (Travis, et al., 1986; Williams, 1986; Noble, 1975). If this is the case, then which discourses predominate and what their content consists of have significance for their educative and/or socializing power.

> When audiences have direct or vicarious experience to guide them, and particularly when they have already formed opinions grounded firmly in personal values, they are far less likely to be swayed by the media. In practice, this means that the least informed and least interested are most likely to reflect the viewpoints

> expressed in the media, particularly
> television....Although people can and do form opinions
> independently of many issues, particularly those
> concerning local problems, complete independence is
> impossible. Rarely do they have enough information and
> understanding to form their own views about all national
> and international issues that confront them in
> bewildering succession. This puts people at the mercy of
> the media, not only for information, but also for
> interpretation. Even when people think that they are
> forming their own opinions about familiar issues, they
> often depend upon the media more than they realize
> (Graber, 1989:154).

This is true in the case of "minorities" themselves. Television affects "minority" viewers sense of self esteem, their sense of place in the world, their social and career/economic aspirations and their perceptions of interpersonal relations (Berry, 1979, 1981; Staples & Jones, 1985; Ogbu, 1978; Stroman, 1984; Peterson-Lewis & Adams, 1990, Press, 1991). Berry approaches this research from an American "racial"/ethnic standpoint indicating that because "minority" children watch a proportionately greater amount of television and are disproportionately represented, they may be affected even more greatly. If the productive power of television is this insidious, then the U.S. Kerner Commission's (National Advisory Commission on Civil Disorders) 1968 report indicating, in no uncertain terms, that biased media representations of Blacks contributed to the racial discrimination and unrest previous to and during the 1960s comes as no surprise. Nor do assertions that the communications industry discriminates against oppositional, critical or politically charged programming (Herman & Chomsky, 1988; The AdBusters Media

Foundation, 1992; Evuleocha & Ugbah. 1989).[18]

> There is no doubt that stereotypical characterizations tend to especially vitiate the self-image of minority groups while bolstering the dominant culture's self-image. Self-esteem, thus, resembles a valuable resource that TV takes from groups that need it most and gives to those that need it least. Although it is not the preoccupation of this paper to examine the power ramification of this arrangement, it is predictable that attempts to regain some of this exploited self-esteem can be viewed as a major impulsion behind the demand for social ethics and justice (Evuleocha & Ugbah, 1989:202-203).

These data should be sufficient to support the contention that television has productive and educational power and thus should be a social concern. However this is not the case. It is a striking feature of television effects research that for all of the study undertaken since the introduction of the technology, prominent communications scholars continue to report that findings are inconclusive, or at least so dependent upon the particular circumstances of viewing and each viewer that little can be generalized to wider populations as asserted, for example, by Graber (1989) and Press (1991). Even so, researchers continue to explore this much contested and much invested area in the face of disagreement about how problems should be approached theoretically, methodologically, and with the financial backing of divergent interests. This latter consideration is significant. Because television is such a profitable market and an important venue for public influence,

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[18] In the case of "minority" issues, their mere presentation might be considered by the conservative media as politically charged.

research orientation and findings are of utmost importance. Television effects findings, perhaps, have more political than scientific import.

It should be noted as well that academic effects research on television may or may not affect the television industry. The communications industry has a well-developed research and development component of its own which undertakes extensive market analyses, ratings polls and other formal measurements based on economic rather than social goals (Comstock, 1989).[19] Its use for academic, often critical, research is limited. But even if scholars would or could conclusively say that television effects are a serious social concern, how could the public modify the material that is shown on television? As Montgomery's (1989) research has shown, public pressure, often backed by research, has done little to change production and programming practices.

While the research on television's portrayal of "minorities" conclusively shows that they are under-represented and misrepresented on television, research on television effects are much less conclusive -- a state of affairs that many interpret as television having little or no effect (Graber, 1989). The call for ever more research has the effect of turning the debate regarding television's force as a pervasive and dominant discourse away from the effects of its ideological

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[19] Canada does pay more attention to cultural/social issues on the whole than the United States (Siegel, 1983; Peers, 1983; Cole, 1983).

and hegemonic power to the more manageable but less politically charged debate on whether television programming has effects at all.

> Television salesmen cannot have it both ways. They cannot point with pride to the power of their medium to affect the attitudes and behaviour associated with product selection and consumption, and then take the position that everything else on television has no impact whatsoever upon attitudes and behaviour (Johnson, 1970:26-27).

Television's Productive Power as Education

Television does seem to be an educative force -- not only does it socialize, people indicate that they use it to learn (Comstock, 1989: Press, 1991).[20] Even though television's educative role is accepted and understood at an informal level, for some reason construing it as a type of formal education rarely occurs. Disciplinary boundaries seem to maintain a conceptual chasm between the educational forces of television and the formal educational system. It is well worth arguing that television _is_ educational and should be considered -- at some level -- a formal educational system. However, most current conceptions and amalgamations of television and education do not reflect this treatment. Rather they reflect the less imaginative and limiting boundaries of treatment of traditional disciplinary conceptions.

Usually the integration of television and education is thought of in one of three ways: as educational television, educational media, or media education. When one combines education and television in the communications industry the result is "educational television" - television developed expressly for formally-defined educational purposes. Documentaries, how-to programs, _Sesame Street_, language programs, etc. fall into this category. Educational

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[20] On the basis of Egan's (1983) discussion of distinguishing education as initiation into culture and socialization as initiation into society, it is safe to say that television seems to perform both functions to some degree.

institutions have "educational media" such as videos, slides, software and other materials developed by teachers or commercial producers to augment the formal educational curriculum. Educational institutions combine education and media under the curricular heading "media education". Media education, or media literacy, is a modern media version of consumer education whereby students learn how media are made, upon what premises they are based, how they manipulate and are manipulated, and how students can master media rather than the other way around. Unfortunately, connections between media and education seem to be limited to these distinctions.

As Williams (1974) suggests, by accepting these disciplinary distinctions as they have developed, one accepts an implicit ideology. This may be why the lack of conclusive television effects findings is not a major concern for the general public. Because television is not considered an educational medium, its curricula are not scrutinized. However, if it were considered a type of education, then its curricula would be subject to greater public and professional attention (Johnson, 1970). This attention would likely result in a call for diversification of the medium's images and messages as has been the case in educational institutions.

> Americans receive decidedly more of their education from television than from elementary and high schools. By the time the average child enters kindergarten he [sic] has already spent more hours learning about his world from television than the hours he would spend in a college classroom earning a B.A. degree (Johnson, 1970:13).

It should be noted that there are no standards for television's

curriculum. In comparing the professionalism and qualification of the television industry with that of the teaching profession Johnson writes:

> [Teachers] will be giving [children] ideas, information, opinions, attitudes, and behaviour patterns that must hold them in good stead throughout life. We don't want to trust their minds to any but the most skilful and responsible of hands. Contrast these concerns and standards, if you will, with those we associate with broadcasters, with their access to millions of young minds for far more hours every year (183-84).

Public access to television could provide one way for diversity to enter the television set.

Berry (1979 & 1981), Graber (1989) and Zonn (1989) are three individuals whose work does integrate television and education in a way that supports the conceptual base of this thesis. Berry (1981) argues that television is an "unplanned social curriculum". Specifically, television teaches about "class, status and roles" and other individual differences in our society in ways that other socializing and educative forces do not. Graber and Zonn suggest, in different ways, that teachers are significantly affected by media and tend to pass on ideas and conceptions that may develop from these sources to their students. Not only does television have effects but those effects may be reinforced, and thus compounded, by teachers and other primary socializing units such as family and peers. It will be useful to examine each of these perspectives separately.

Berry (1981) attempts to equate television programming with

educational curriculum.[21] He defines curriculum as "a set of learning experiences or activities in which the learner is involved...planned and supervised by a person trained to function in this role" (78). It is easy to see how this definition applies to formal education. Curricula are designed and implemented by educational professionals such as teachers, administrators and educational consultants in the context of an educational system. This system is composed of local, provincial/state and federal bureaucracies developed to set and oversee the educational policy which governs curricula. Educational goals and objectives are largely based on traditional notions about the function of education (human capital, moral development, socialization) as well as trends based on demographic, social, political and economic climates. This definition of curriculum and its social context lends itself quite well to the television industry. Television programs are designed and implemented by television professionals such as writers, producers, directors and technical staff in the context of a television/communications system. This system is comprised of local, regional and national technologies and bureaucracies developed to set and oversee broadcast policy which governs programming. Television/communications policy goals and objectives are largely based on traditional notions about the function of

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[21] In explaining Berry's argument, I have taken it a bit farther than he has.

television broadcasting (entertainment, education, advertising profits) as well as trends based on demographic, social, political and economic climate.

Berry (1981) describes the television curriculum as "unplanned". In this way, he suggests it is not like an educational curriculum or institution -- "committed to tailoring the material to the age-specific needs of children, those objectives which permit certain content to be absorbed, and to the clear utilization of role models deemed appropriate by this agent of socialization" (79). Rather, Berry acknowledges that communications systems are constructed and developed on the basis of market forces -- a television curriculum's prime objective is to draw a large audience for the sake of advertisers and to promote values of consumerism. From the way that Berry presents the values underlying the market it would seem that they are uncoordinated, ungrounded and independent forces which have little to do with social, political or cultural interests. Of course, this is not the case because there are very real forces and interests that are served though the medium. Perhaps it would be more accurate to call the television curriculum "informal" rather than "unplanned" because broadcast policies do affect the shape of television technology and programming. True, the decision-making processes and outcomes of the bureaucratic system governing television is not made as public as that of the educational system. However, the form and content of television which is very highly planned and

regulated through federal, local and industry broadcast policies is based on social, political, and cultural interests as well as economic ones.

Graber (1989), speaking about the political socialization of children, and Zonn (1989), on the portrayal of foreign geographic places, are both concerned with where teachers get their information, how and to whom they pass it along. Graber touches on the subject only in passing: "The people who teach children rely heavily on mass media for much of the information and values that they transmit" (150). In conjunction with the amount of television that children consume daily, she suggests that this double dose of media-based information and values has significant socializing effects. Zonn attempts to deconstruct the discourses which influence people's knowledge of geographic places and, in doing so, suggests that media representations, whether prose, map, television or magazine picture, are significant in both educators' and students' place understanding. Again, considering that people use television as a primary source of information, place portrayals in this medium are likely to be a primary source of reference for geographic, and other, information. Zonn's work corroborates Graber's contention that media directly influences individuals, but also affects the primary agents of traditional education and socialization sites such as schools and social groups.

By blurring the distinction between media and education and thus drawing attention to how much influence the "informal"

television curriculum may have on individuals, as well as on the educational system, these three conceptual positions require a rethinking of why television and education have been conceptualized as separate or only mildly connected entities. This perspective also makes television effects research more urgent, especially as regards the need to diversify the kinds of programming available on television. Because television production and programming rests primarily in the hands of a government and business elite, diversification, in part, means diversifying access to these processes. It also means diversification in the content and images shown.

Primarily, the public has had access to professional programming after its production. Such access is regulatory, not creative. Rather than being able to act and create one's own discourses, this type of access only affords the public reaction to ideas and products generated by an "other" (although the group's input may have shaped the outcome in some instances). This type of reaction to the television media industry precludes a proactive stance on widespread public television access and self-determination. In the case of "minorities", media monitoring and lobbying efforts rely on a long-term goal -- that they will be more fairly represented in programming content and production communities as the industry responds to watchdog complaints. However, since the goal is premised on a liberal notion of change through the just application of the law, this goal does not question the

constraints, or violence, of the <u>structure</u> -- structural
discrimination. Le Duc (1987) address this issue in his
discussion of whether increased local control of media should be
sought (American context):

> To contend that such an extension of local jurisdiction
> is an unconstitutional infringement of the free-speech
> rights of these media is simply to say that as of the
> moment the courts have not yet developed the capacity to
> evaluate the conflicting interests of the communicator
> and the community to an extent where a sophisticated
> assessment of their relative rights in these situations
> is possible....Recognition of positive rights such as
> citizen access may come more slowly than recognition of
> police-power authority over communications content;
> however, as judicial principles evolve, it may be
> possible to find another legal basis for government
> supervision of media service to the public that extends
> beyond spectrum scarcity to reflect the legal
> responsibility based on the actual degree of influence
> these services exert on our society (187).

Efforts have to be made to monitor and effect long-term
change in current television structures so that local and
national public access is made more obtainable and has a broader
reach. Direct access to television production and programming
would give "minorities" more control over the images, contexts,
voices and messages attributed to people with "salient
characteristics". If the public's access to television is
increased, there is no guarantee that problems of representation
will cease. In fact, they may multiply as viewers are exposed
to the numerous forms of stereotyping and discrimination that
occur in minority population's discourses. However, television
access can give disfranchised segments of the population a way
to begin (re)claiming their presence in and contribution to
society. Policy provisions for access give some control over

the first steps of that reconnection.

> For meaningful change to take place in the broadcast industry, Blacks must bring about their own cultural restitution. This means that they must have entry to the media to enhance their intra-community , and well as their inter-community communications. They must also have the opportunity to portray the distinctive character of their own lifestyle without the muddled distortions that often emanate from the White perspective of the Black world (Hill in Evuleocha & Ugbah, 1989:204).

Broadcast Alternatives

What alternatives are there that would provide the general public access to television production and programming outside of network broadcast television?

Public television, such as the Canadian Broadcasting Corporation (CBC) and the Public Broadcasting Service (PBS), are considered government and industry alternatives to commercial television. These networks primarily air material that can be categorized as Western "high culture" (ballet, opera, theatre, etc.) as well as a fair smattering of multicultural and educational programming. The CBC is federally funded while PBS is reliant on private grants and listener contributions. These public networks often use independently produced programs; however, funding is tight and competition is stiff.[22]

Educational television usually falls under the purview of these public broadcasting entities, although there are instances where monies are provided at the provincial/state level for such

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[22] Canada devotes more government money to independent film, television and video production through the National Film Board and similar sponsoring agencies. Although some government money is available, American artists rely primarily on private grants (Gillespie, 1975).

programming. British Columbia's Knowledge Network or Seattle's Cablearn operate in this capacity, developing and airing educational programming which is targeted primarily at younger audiences. Such programming is often quite progressive. Information, whether about people, places or concepts, is presented clearly and often in a multicultural context. In that educational programming does provide some of the best representation and treatment of "minorities" and their cultures, especially for children, it is one of the most important elements of the television industry today. However, because programs are developed by media professionals, it still does not provide the unmediated public access to television production and programming with which this thesis is concerned.

Local affiliate broadcast stations do undertake some original programming. However, because studio production is least costly and most efficient, newscasts, information oriented talk shows and studio variety shows dominate the offerings. Some "minorities" produce their own material and air it during time bought with their own resources to serve the specific informational, economic, and entertainment needs of their community (Korean Business Assoc., personal communication, June 1991). While hiring a professional production firm is the best way to develop a good-looking product, costs are prohibitive. While some "minority" groups are buying their own networks, this has occurred in a limited manner -- the Black Entertainment Network (BET) out of Los Angeles and Canada's Inuit Broadcasting

Corporation (IBC) are two successful examples. However, most individuals and groups have neither the resources nor the ability to develop the resources for either of these two types of access.

Cable systems also have "minority" channels or "minority" programming. While these provide much needed first language and ethnic programming -- as well as an advertising venue for specialty shops and services for these communities -- again, the programming is usually not developed autonomously by the local communities. For example, Roger's Vancouver cablecasts Italian language news that comes from Italy's government network, RAI.

Usually the public is given access to commercial television either through news or public service announcements (Gitlin, 1980; Montgomery, 1989). News access affords limited control to the "minority" group. It is the network's or station's decision as to which news stories will be pursued. In their development, the stories and content are framed and mediated by reporters, camera people, editors and other journalistic and technical staff. As in the case of the Seattle-based group "Mothers Against Police Harassment", an African-American group to curtail police brutality against Black youth, television coverage has been unfavourable in that it has not advanced the organization's more important issues in the manner that the organization itself would have them presented. This occurred even when the organization was solicited by a commercial television station to provide information (Harriet Walden, personal communication,

June 1991). Clearly, this is an unsatisfactory arrangement if the public seeks any kind of control over the product. Also, access is not guaranteed and is dependent upon the time line and priorities of the newsroom.

Public service announcements are short informational paragraphs that provide short, out-of-context, superficial information about the group and its concerns or activities. These are usually presented as a "voice-over" on the trailer of a television show or as a type of advertisement. The text is most often created by a group and submitted to the station much as a news release is to a newspaper. While public service announcements are the most widely available and utilized commercial television access route, they cannot be said to provide the kind of access and diversity under consideration in this thesis.

It is the public access channel on local cable stations that provides the most affordable, expeditious and autonomous access to television production and programming that the public has available to it yet. In both countries, most cable licensees are required to provide local, free production to the public along with training and assistance in their use. Publicly created programs are cablecast on a specifically designated community channel.

> Public access television is one of the few real forms of
> alternative television, and it provides the best prospect
> for using the broadcast media to serve the interests of
> popular democracy....Indeed, the rapid expansion of
> public access television in recent years has created new
> opportunities for progressives to counter the

conservative programming that dominates mainstream television (Kellner, 1990:207).[23]

> Community access television is perhaps the only component of our media system at present that could allow all consumers of the medium to also participate in the creation of the content. And widespread citizen involvement in the development and flow of information, ideas and cultural expression is a criterion for a democratic communications system and a democratic society (Goldberg:106).

Among all the television venues, public access is assured only on cable community access channels. There, the public's interest and need to have some control over television are being accommodated daily. With little or no access to mainstream television, community television is one way that the public can begin to challenge, to some degree, the elite, discriminatory, ideological and hegemonic discourses apparent in the bulk of television programming.

Public Access Television

It is no coincidence that public access to television, under the rubric of democratic expression and participation, was first seen in policy documents in 1971 and 1972. At this time government authority was seriously in question. Civil rights, the Vietnam war, the Quebec Separatist Movement -- all of these were public efforts to challenge and de-legitimize traditional government actions and structures. Both the public and the media were struggling to reconcile the old with the new. For example, for the first time in history government efforts to

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[23] From the perspective of policy, Kellner's placement of public access television in a broadcast technology is incorrect. This is a commonly made mistake.

contain public unrest through coercion and force could be seen, in colour, on television.

> "When mass movements mobilize, the routine procedures work, in a sense, too well; by amplifying the unpalatable, destabilizing news, they arouse political opposition in high places and threaten the network's political position. Those are the moments when the media managers intervene for political purposes, <u>precisely to change the standard frame</u>. Outside political authorities may themselves intervene to force the change if it is not forthcoming spontaneously" (Gitlin, 1980:211).

In order to retain social order and control during that time, government had to either accommodate dissenting segments of the public or co-opt them. A binding policy provision for public access to television -- a concession which encouraged public exchange of ideas and public participation in television -- was one strategy undertaken to achieve these ends. The decision to require public access to television was a significant and symbolic exercise of government power. This happened in Canada and the United States concurrently.

By creating these policies, each government began to challenge the communications industry's unfavourable coverage, sought to accommodate the needs and regain the support of the public, and generally worked to maintain its legitimacy in a time of unrest and uncertainty. Whether the intent was to accommodate the public's need for grassroots communication in a very real way, or whether it was to provide a safety valve through which the public could vent its frustration and dissent in a controlled and limited medium is moot. The desired effect was precipitated -- the public had real, but limited and

controllable, access.

There has been very little research, or comment, on the advent or impact of community television. In the 1960s and 1970s there was a spate of publications which introduced the new video technologies available to the public as well as the potential of cable technology as a medium for popular expression and education.[24] It is safe to say that these kinds of publications were partially responsible for the movement that resulted in the securing of public access provisions. However, since that time very little has been published at all.

Goldberg's (1989) book, The Barefoot Channel, is the only book devoted entirely to the subject of community television since the 1970s in either Canada or the United States. Goldberg's is a description of the history and current status of community television in Canada -- its potential as a participatory medium and specifics about how interested groups and individuals can use it to their advantage. It is a descriptive, rather than analytical piece written in popular form to compliment its populist spirit.

I undertook an informal count of news and journal articles written on public access television (found through CD ROM News, Business and Humanities indices). There were 13 articles written specifically on community television between 1983 and

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[24] See Cable Television in the Cities: community control, public access and minority ownership edited by Charles Tate (1971), the serial publication Radical Software, or Chambers and Raindance Corporation's Guerrilla Television are excellent examples of this kind of material.

1990!   These articles fall into three broad categories: 1) public relations for cable stations who provide community television, 2) uncritical populist support for the democratic and educational uses and possibilities of the public access channel, and 3) marginally critical concern regarding the channel's funding or its content (white-supremist shows, animal rights shows, pro-life shows, etc.). From the findings in these popular indices, it seems that public access is neither on journalists' nor the public's mind.

There has been some, but very little, systematic research about the community channel. Most of this research has been undertaken by cable trade organizations for use in lobbying and license/franchise renewals. However, the CRTC itself undertook a survey of community television in 1978. The FCC has never attempted to study public access television.

It is safe to say that Canadian surveys of community television are surveys of cable industry personnel -- not the general public. Any information on public access to television has been compiled from cable licensee responses to questionnaires. This is the case regarding the CRTC's 1978 survey, the CCTA's 1990 survey and Goldberg's (1989) research for her book. In the United States, the NFLCP, the National Clearinghouse for Community Cable Viewership Research and American Television and Communications have surveyed cable viewers about their general cable habits, including questions about community channel use. This information is either not

made readily available to the public or costly fees are charged for the materials if one is not an organization member. It also does seem to be widely used in cable system's promotional materials. The result is a virtual information void on the reach and use of community television.

Scowcroft, Public Access Director at Seattle's TCI, indicates that surveys of the public's preferences as regard the community channel are of little importance to cable franchisees. This is because public access television is a service for the community producer, not the community viewer (personal communication, 7 April, 1992). This may be the reason that most American statistics for community television are usually inferred from basic subscriber statistics or formulae such as "it is estimated that for every viewer who responds to a program, at least 500 others watched" (Benton Foundation, 1990:7).

As indicated above, Canadian statistics are based on reports from cable staff, not the general public. In 1978 the CRTC undertook a Survey of the Community Channel. It surveyed 435 cable systems by sending a questionnaire which did not call for any open answers -- pre-developed statements were to be rated on a Likert Scale or the subject was expected to pick one of a number of statements to represent his/her opinion. Just over 200 systems returned the questionnaire, less than half of the cable industry, and these responses were used to paint the statistical picture of community television in Canada. This

information indicates how much programming was generated in a 24 hour period, but not whether it was locally originated or a non-community program, etc. The majority of the cable employees who responded to the questionnaire felt that the community channel should be run by members of the community with the cable system providing the facilities. However, there is no indication of the community's preference on this issue. Generally, the statistical categories that have to do with specific types and uses of community channels are not sensitive enough to provide conclusive information about "minority" programming, what groups produce it, what the response to it is, etc. While such information could be determined from cable licensee logs, to date such research has not been pursued. Generally, the findings are so broad and business oriented that specific cultural information is neither provided nor pursued.

Even in books on communications, broadcasting and the cable industry public access is discussed only in passing (e.g. Dolan, 1984; Babe, 1975). Brief and descriptive mention that community television exists is provided, but there is little further discussion. Because public access is not a primary concern of broadcasters, cable systems or even the general public, attention is not directed toward it. Cable's educational uses, its potential for profit, its threat to broadcasting jurisdiction and profits -- these are the issues which receive attention.

Recent attention on cable public access has focused on its

democratic and/or oppositional potential. Kellner (1990) and Goldberg (1989) argue that community television is one necessary alternative with which to challenge the ever-encroaching elite, capitalist, hegemony that is currently eroding democratic communications systems and democracy in general.

> Commercial ownership and control result in a broadcasting system biased toward the class that owns and controls it, thus excluding oppositional voices and criticism....Capitalism and democracy invariably come into conflict with each other and...it is now necessary to reinvigorate a rapidly deteriorating public sphere to preserve democracy in the United States (180).

The problem with positions like this is that they uncritically accept that community television is, in practice, what it is in theory -- that access will be afforded to all members of the public when requested; that people will watch the channel; and that the programs will affect and influence viewers in a manner that counters the ideological and hegemonic discourses one is exposed to daily -- on television and off.[25] Such treatments may be critical of broadcast television or its current social context; however, they do not problematize public access itself.

In "Reconceptualizing Public Broadcasting", Salter (1988) critically responds to the policy recommendations of the Caplan Sauvageau Task Force regarding the definition and role of public broadcasting in Canada. She argues that the Task Force 1) conflated public broadcasting and participatory access -- two

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[25] Even this thesis assumes this populist position to some degree. However it is not assumed without a generous measure of caution and reserve.

substantively different animals -- and 2) did not address the degree to which the CRTC allows the private sector to define and control the public's access to the medium.

Salter problematizes the notion of access by arguing that the very term itself represents the paternalistic stance of an elite government and the lack of control and agency afforded the public.

> So when one speaks of access in the economic regulation of communication (as is appropriate under American legislation), one refers to the special support or subsidies granted to the information poor who otherwise could not participate in the operating market system (238-239).

She suggests that these concepts and relations be fundamentally redefined and reconceptualized. Without such a change, the CRTC (which interprets federal broadcasting policy and regulates accordingly) would have no reason, or impetus, to change current relations.

> Regulatory agencies draw upon a legacy of assumptions and methods of regulation that shape how they relate to the regulated industries...there is little scope for the regulator to treat some of those industries...on a fundamentally different basis from others, or to apply different standards. As a result, the regulatory system itself raises questions about the legitimacy of the public sector subsidies or its general interest service, and deflects attention away from its distinct objectives (237-238).

This thesis raises similar issues.

Currently, the Canadian and American public has access only to cable community television. In order to understand the efficacy of community television's ability to provide access to television, the following two chapters will outline the

historical roots and current structure of those communications policies and policy documents which make provision for public access to television. In this treatment, the historical context of developing broadcast and cultural policies will be outlined and used to frame the analysis of these provisions in light of their philosophical and ideological foundations. Two case studies will provide a practical context for whether and to what degree the intent of the community television provisions are carried out. The limits to public access will be outlined and the implications of such limits will be discussed.

CHAPTER FOUR

THE CANADIAN CONTEXT

Policies Governing Public Access to Television

> The Text can be approached, experienced, in reaction to
> the sign. The work closes on a signified. There are two
> modes of signification which can be attributed to this
> signified: either it is claimed to be evident and the
> work is then the object of literal science, or philology,
> or else it is considered to be secret, ultimate,
> something to be sought out, and the work then falls under
> the scope of hermeneutics, of an interpretation (Marxist,
> psychoanalytic, thematic, etc.); in short, the work
> itself functions as a general sign and it is normal that
> it should represent an institutional category of the
> civilization of the Sign (Barthes:158).

It is commonly held that access to and/or control of a
nation's communications network has strategic advantages.
Communications technologies such as the intricate road system of
imperial Rome, Morse's telegraph system, the Marconi "wireless",
satellite transmission, etc. have been continual sites of
political, economic and ideological struggle for the diverse
interests of citizen, business and government -- sometimes in
opposition and sometimes not. From the very start, the North
American general public has had limited access to wireless
communications technologies and transmissions.

In the United States, the Radio Act of 1912 was passed to
stop unregulated radio transmission by requiring licensure for
broadcasting. Although the bulk of wireless transmission at
this time was military in origin, there were numerous amateurs
("hams") whose enthusiasm for the medium often crossed into and
interfered with official military business. The Act required
that all radio operators have licenses -- restricting many from

the air. Although this Act often went unenforced, it did set a precedent of government regulation which, at the onset of the First World War, was ordered to full power by Assistant Secretary to the Navy Franklin D. Roosevelt. As a safety measure he ordered amateurs to seal their equipment while government took control of "privately owned shore installations" -- primarily American Marconi stations (Barnouw 1982: 17 - 19). This is how the American broadcasting system began -- with government attempting to wrest wireless communications from private interests. However, corporate patents ultimately allowed private interests to maintain control over the industry (Kellner, 1990: 28).

Canada's early radio development roughly paralleled that of the United States -- radio transmission was unregulated and available to everyone. However, the Canadian government has been more disposed to consider the public in its policy-making from the start. When the time came to regulate radio transmissions, the Canadian government chose not to unilaterally impose a structure on the broadcasting system as had been done in the States. Although a public inquiry was set, the Aird Commission (1929), which resulted in a system quite different from that developed in the United States, consideration of the public did not deter Canada from also adopting a regulatory stance early on.

Canadian and American communications systems share commonalities and are, at the same time, fundamentally

different. For example, Figure 1 of the hierarchy and structure of the Canadian communications system can be generalized to the American system (see page 33). However, the details of the system -- ownership, policies, jurisdiction -- are specific to each country. This is also true of the policy structure.

FIGURE 2

Hierarchy of Current Policies and Policy Documents
Regarding Public Access Provisions
in Canada and the United States

CANADA   UNITED STATES

Broadcasting Act (1968)   Communications Act (1934)
        | |
        | |
1986 Cable TV Regulations   1984 Cable
        and   Communications Act
CCTA Industry Guidelines |
        | Seattle City Ordinance
        | |
Rogers Corporate Policy   Franchise Agreement
        | and
        | NFLCP Industry Guidelines
   Licensee Policy |
   and Procedures |
                                 Cable Corporate Policies
                                         |
                                         |
                                  Franchisee Policy
                                  and Procedures
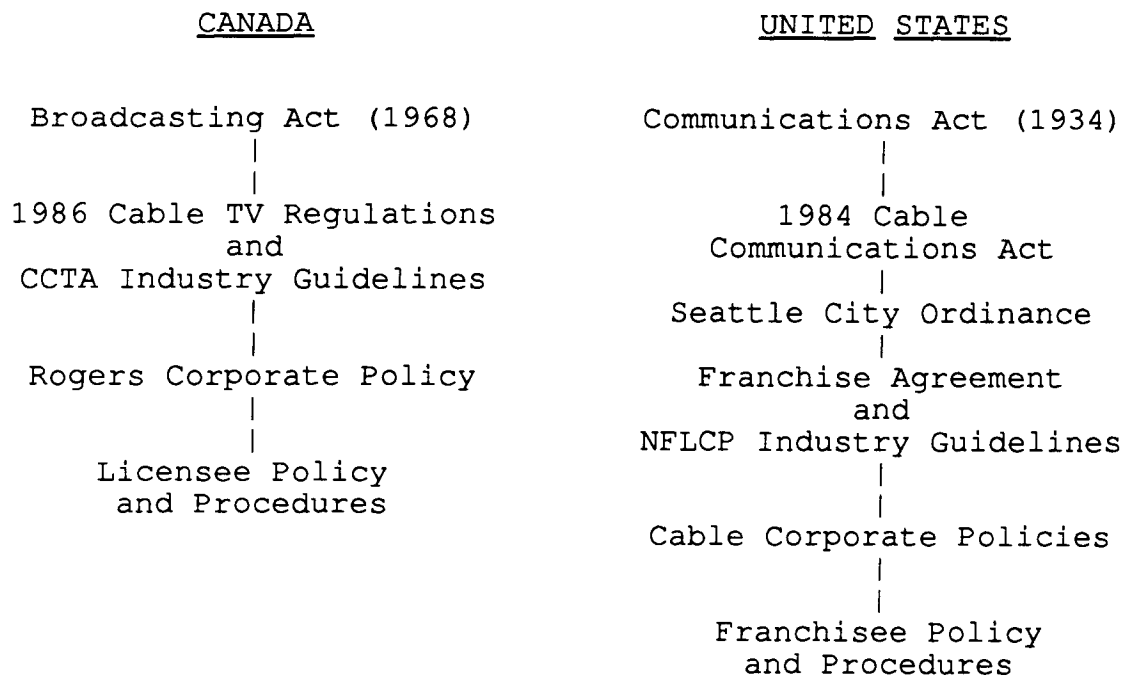
In the case of public access, the opportunity to produce and "air" programs is afforded through a hierarchy of policies, one governing and making provision for the other. Both countries have Acts which govern the broadcasting system at the federal level: Canada's Broadcasting Act and the Communications

Act in the United States. These Acts not only contain the broad goals upon which the shape and function of the communications system is based, they also make provision for and outline the creation of regulatory bodies (CRTC in Canada and the FCC in the United States). Public access, because it falls under the jurisdiction of cable, is governed by sections of the Acts specifically dedicated to cable issues. The regulatory bodies create and enforce rules to implement what has been proposed in the federal Acts. These rules are either binding or act as guidelines for cable companies as they develop corporate policies. Industry guidelines, such as those developed by the CCTA or the NFLCP are also incorporated into corporate policy. Individual cable stations work from the corporate policies which they in turn use in the development of local system policies and procedures. The general public are expected to comply with local system policies when utilizing public access facilities.

There is little to suggest that Canada and the United States actively collaborated in the development of their respective broadcast policies, regulatory apparati and procedures; yet there are striking similarities. Many of these are a function of technological advances and some a result of social and cultural factors such as the countries' physical proximity, their economic relationship, their common dominant language and the availability and/or persistence of American communications products and interests in Canada. Provisions for public access to television and their placement in cable

technology is one such similarity. However, in depth analysis of the provisions shows that there is more dissimilarity than not.

In Canada and the United States public access was born out of the social struggle of the 1960s and 1970s. The social, economic and political climates of both countries were rife with issues of civil rights, war, and the re-evaluation of the values, functions and status accorded established institutions and the public. People wanted to speak out on a number of issues and pressure was placed on both governments to provide fora for such speech. Initiatives such as "Challenge for Change" and public access television were developed for this very purpose. Since that time, the regulations governing access have changed and seem to indicate a modification in the underlying assumptions about the purpose of such provisions -- a move away from the initial populist and democratic premises upon which the public argued for access. An historical look at some of the issues in broadcast policy and regulation which pertain to public access will provide a frame for current access issues. The balance of this chapter will pertain to public access in Canada. This history and context of public access in the U.S. will be treated in Chapter Five.

Canada's Broadcast History and Public Access

In 1929, the Aird Commission determined that Canada would best be served by a two pronged broadcasting system, private and public, under the control of an autonomous but federally funded

regulatory body. This was the Aird Commission's way of ensuring a communications system, Canadian in control and content, in the face of encroaching American interests. By choosing a system of federal regulation over one of free market forces, Canada made a choice to support the cultural and nationalistic uses of broadcasting and mass media -- much as Britain had before it. The Aird Commission set out these initial conceptions of broadcasting and others in the 1936 Broadcasting Act. Even with modifications to the Act in 1958, 1968, and 1986, the concerns of Canadian broadcasting have changed little.

> The debate surrounding the Aird report also set the pattern of a remarkably consistent series of recurring issues which have been as much a challenge to our generation as they were to Aird's. Canadian programming versus American, public ownership versus private, the responsibilities of the public broadcaster versus those of the private sector, the subsidizing of culture versus the protection of commercial interests (often called "culture industries"), the commercial needs of the private stations versus their national obligations, regulation of content versus freedom of expression, federal authority versus provincial, annual financing of the national broadcaster versus longer-term financing, technology versus programming as the driving force of the system (Caplan-Sauvageau, 1986:7).

The regulatory body, although it has changed shape and title over the years, is now the Canadian Radio-Television and Telecommunications Commission (CRTC). It was formed in 1968 as a result of the new Broadcasting Act. This body regulates both private and public broadcasting sectors as well as telecommunications (a responsibility added in 1976). The CRTC gathers input either through informal ongoing feedback and submissions or through calls for position papers etc. during

policy reviews. The general public is welcome to supply input and make these submissions. In keeping with the Aird Commission's initial conception of an "arms-length" regulatory agency, the CRTC is an independent body whose decisions or orders are also final and conclusive. The Broadcasting Act does require that the CRTC make annual reports to Parliament and, on special occasions, follow directives issued by the Governor in Council.

The 1936 Broadcasting Act explicitly states that: a) the radio frequencies such as those used for broadcasting, whether used by private or public elements of the system, are public property; b) that "the Canadian system should be effectively owned and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada"; c) that broadcasters, while fully responsible for the material they air, have "freedom of expression" and viewers have a right of reception; d) that programming should provide "reasonable and balanced opportunity for the expression of differing views on matter of public concern" and should use "predominantly Canadian creative and other resources"; e) that broadcasting should be in English and French as much as funds allow; f) that there should be a national broadcasting service (CBC); g) that the CBC should provide balanced "information, enlightenment and entertainment" in English and French to all parts of Canada in order to "contribute to the development of national unity and provide for a continuing expression of

Canadian identity; h) that conflicts between the public and private prongs of the Canadian broadcasting system should be resolved in the public interest (read: in the interest of the CBC); i) that there should be educational broadcasting; j) that the broadcasting system be ready and responsive to technological advancements; and k) that the broadcasting system be regulated by the CRTC.

This broadcasting policy supports an ideology of democracy and freedom of expression through its provisions for the public ownership and use of the airwaves, equality and justice through its provisions for balance, and Canadian identity and nationalism through provisions for broadcasting in the national languages and a Canadian content requirement. The educative and socializing functions of broadcasting are recognized explicitly in the Act's provision of formal educational broadcasting as well as implicitly in its contribution to the "development of national unity".

Logically, a Canadian public which owns the airwaves should have access to them. This is especially the case in light of provisions that stipulate predominantly Canadian resources should be utilized in the broadcasting system. Although the Act rhetorically supports public ownership and access to broadcasting, reality does not bear this out. Canada makes no formal provision for public access to broadcast media, and commercial broadcasters have no obligation to the public. This situation is the result of the legacy of policies and structures

developed in the early days of broadcasting. These have developed in a context where technological limitations of radio frequencies dictated the limits of the system.

In the early 1920s, the regulating body, the Ministry of Marine and Fisheries, distributed specific frequencies to broadcasters through a licensing process (Lorimer & McNulty, 1987). At this point, "the radio frequency spectrum [became] ...a scarce resource to be managed in the public interest" (Peers, 1983:15) (5). Cable technology is not bound by a "scarcity rationale". The co-axial cable is able to carry anywhere from 12 to 60 channels at a time -- an amount that is still increasing. In early deliberations about public access to television, the CRTC felt this technology's channel capability could easily accommodate at least some public access. It was also felt that the decision to put public access in a cable technology might reduce popular pressure on the CRTC for use of broadcast frequencies. Thus, frequency distribution and regulation would be simplified. Public access would be afforded through a re-broadcast technology (1971 Cable Television Policy Review).

Thus, it was the advent of cable technology, as well as the time period during which cable became available perhaps, that presented the technical means through which the public could gain access to television production and programming. However, the critical force that made access a widespread possibility was regulation for mandatory access.

Foundations and Ideology of Public Access

Public access to television, although pursued informally by various stations since the 1950s, was first formally proposed in the CRTC's 1975 Policies Respecting Broadcasting Receiving Undertakings (1975 Cable Television Policies). These policies were codified as the Regulations Respecting Broadcasting Receiving Undertakings which came into effect one year later (1976 Cable Television Regulations).

The 1976 Cable Television Regulations' provision for community television is simple: as a condition of licensure all but the smallest cable stations must distribute community programming on a community channel as part of their basic service. The CRTC defined "community programming" as:

> ...programming that is distributed by a licensee on its community channel and produced
> a) by the licensee,
> b) with or without the assistance of the licensee, by members of the community or communities served by the licensee,
> c) by another licensee or by members of the community or communities served by another licensee if such programming is integrated into programming produced by the licensee or by members of the community or communities served by it,[26]
> d) by a network operator licensed by the Commission to provide community programming to the licensee,
> and includes announcements promoting services that the licensee is licensed to provide, public service announcements, announcements promoting programs transmitted by Canadian stations and channel identification announcements (Canada Gazette Part II, 1975:3104).

The 1975 Cable Television Policies outlined that licensees were

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[26] This is commonly known as "bicycling" or distributing a program to other cable systems in order that it be cablecast in a number of areas and receive wider distribution.

to provide facilities, training, distribution and financial support for this programming, were to actively seek the participation of the community, yet were liable for any material cablecast on the channel.

These are the provisions for public access in their most basic form as outlined in 1975. By requiring that cable stations originate programming at the community level with community input and energy, the CRTC furthered the participatory intent of the Broadcasting Act and invested cable licensees with a responsibility to invest financially and socially in the community (1975 Cable Television Policies:2).

The 1975 Cable Television Policies indicated that community television is based on three premises: 1) that it should provide an alternative to current television service, 2) that it should provide a way to animate the community and encourage its participation in programming and production -- not only through technical activity but also through advisory and feedback activity, and 3) that it should serve local communities. This policy was premised on a philosophy of education and democratic responsibility to community -- determinable, in part, from the manner in which community is defined. It is defined broadly as connection, interaction and influence based on social, cultural and political interests and activities as well as on the more traditional determinant of geographic boundaries.

> The concept of community is not necessarily related to
> geographic areas only. This is especially true of large
> areas. There are communities of interest, for example,
> based on cultural background or arising out of common

endeavour. The communications needs of these communities extend to such matters as the exchanging of ideas, increasing of social and political awareness and the dispelling of the sense of isolation so prevalent in large urban centres (4).

The democratic and educational tenor of the policy is also apparent in the licensees' responsibility to the community. Not only did the policy require them to provide programming and production facilities, opportunities and training; they were to actively "seek out these communities of interest...and encourage them to give expression of their interests and concerns"; "ideas and aspirations" [emphasis added] (4).

> Although citizen participation in community programming is difficult to achieve, it is nevertheless the most important element in distinguishing community programming from traditional broadcast programming. Cable television licensees have a unique opportunity and responsibility to develop this type of programming...and provide reasonable, balanced opportunity for the expression of differing views on matters of public concern...[and] encourage the use of the channel for unusual ideas and opinions on the broadest range of subjects and give the community the widest opportunity for self-expression (5).

In these early days, the community channel was quite restricted. Licensees were not allowed to distribute advertising, motion pictures, broadcast or re-broadcast signals -- local community programming, including bicycled programs, constituted the channel's entire fare. To ensure that licensees were adhering to regulations, the CRTC required that they maintain a comprehensive log of cablecast programs, who produced them, how many times they were "aired", etc. The regulations also furthered educational and democratic ends by requiring that community channels provide equal time to political candidates,

and provide "reasonable balanced opportunity for the expression of differing views" on matters of public concern (Sections 11 - 14).

The premises outlined here continue to form the skeleton of the current regulations and policies regarding community television although they have been eroded significantly through subsequent policy reviews and amendments to the regulations. The 1976 Cable Television Regulations were recodified in 1978 and again in 1986. The 1986 Cable Television Regulations remain to date; however, numerous amendments have been made; the most recent being the 1991 Community Channel Policy. An overview of the specifics of community television policy and regulation in 1975 and changes since then will clarify what particular provisions have comprised community access and how they have evolved.

The ideology underlying public access provisions in the 1975 Cable Television Policies can be traced broadly to two sources. The first is those sections of the Broadcasting Act of 1936, quoted earlier, regarding public ownership and participation in broadcasting. The second source is the 1960s National Film Board (NFB) project, "Challenge for Change" (Goldberg, 1990:12; Robinson, personal communication, 23 January 1992). For this project, the NFB provided funding and equipment to local citizens to encourage their participation in reporting on and representing Canada at the grassroots level. The project filled a need unfulfilled by other media at the time.

Challenge for Change was designed to provoke positive social change, particularly for disadvantaged segments of society, through the innovative uses of documentary film and video....The pilot film [Things I Cannot Change] and its outcome uncovered a fundamental rule of successful community-oriented film or video work: any production designed to improve the conditions for a group of people and to empower those people requires their consent and active participation in order to be effective....This particular discovery was a crucial revelation which had a profound impact on the Challenge for Change concept and ultimately on community access television (Goldberg:12-13).[27]

Other factors contributed to the push for community television as well. Technological developments increased the availability of less expensive video equipment to the general public. Simultaneously, cable television technology was increasing in sophistication and had begun to make an impact on urban areas. The CRTC was concerned that cable systems were already receiving substantial profits by re-broadcasting programming developed for broadcast television -- especially foreign originated programming -- and would grow too quickly. It had been discussing cable stations as venues for community television from as early as 1969 on the premise that requiring cable stations to invest money and energy in community television might curtail their growth in some way. (Gillespie, 1975). And amidst all of this technical and technological development, there were pressing social and political issues

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[27] This film had disastrous effects on the family which it portrayed. Evidently, the family was not given a prescreening before it was released. Because of the delicate nature of the material and the size of the community in which the family lived, it was ostracized by the neighbours as a result. Other projects were more successful and more sensitive (Goldberg, 1990:12).

that demanded attention. Television was the perfect medium through which to critically document and comment upon the unrest of the 60s and early 70s (civil rights, Vietnam, Quebec separatism, etc.). "Guerrilla" video and film embodied these efforts -- grassroots commentaries, often critical, on the social issues of the day. This was the environment into which community television was born -- an environment which required that public access to television be autonomous, educational, reflective, democratic and oppositional.

Current Public Access Provisions

Currently, public access television operates under the mandate of the 1986 Cable Television Regulations. Definitions of community programming and the general mandate for licensees to carry a community channel remain the same. However, changes are evident in Sections 3, 11, 12 and 14 (cf. 1976 Cable Television Regulations). These are largely due to CRTC modification of its position on advertising and "complementary programming". The provision for "reasonable, balanced opportunity for the expression of differing views" has also been removed from these Regulations although the CRTC can hold licensees accountable for providing balanced programming under Section 3 (d) of the Broadcasting Act.

Under the 1986 Regulations, whether a cable station is required to provide a community channel depends upon the class of license it holds, and a license's class depends upon the number of subscribers a cable system has as well as where it is

located. Part II servers <u>must</u> provide "community programming on the community channel", while Part III servers <u>may</u> do so. Part II servers are stations with Class 1 (6000+ subscribers) and Class 2 (2000 – 6000 subscribers) licenses. Small Class 2 servers (2000- subscribers) are exempt from some of the community channel requirements. Part III servers are typically characterized as those who cater to "unserved" communities and need not provide a community channel at all.[28]

Licenses are issued by the CRTC in accordance with the social and cultural provisions set out in the Broadcasting Act, as well as technical provisions such as maximum number of channels or frequencies or undertaking classification, as codified in CRTC regulations. The Minister of Communications can also grant licenses and technical construction and operating certificates under the Radiocommunication Act. Systems with licenses are required to undergo periodic reviews for renewal. Public participation in license renewal hearings is encouraged. Public input is also encouraged through the process of public inquiry undertaken by Royal Commissions and other government task forces although these inquiries tend to focus on the

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[28] Unserved communities are those communities not served by other commercial endeavours such as commercial broadcast radio or television. Many of these communities are located in the northern-most parts of the country and, because of the high proportion of First Nations communities in northern areas, an access differential occurs.

nation's communications system as a whole.[29]

Class 1 and 2 licensees are expected to provide production facilities, training and programming opportunities free of charge. The 1975 Community Television Policy indicated that these services were to be financed at the cable system's expense and a figure of 10% of gross subscriber revenues was held up as a suitable guideline. In the 1991 Cable Television Policies this figure has changed to not less than 5% of the base portion of the basic monthly fee.

The 1986 Cable Television Regulations also allow community channels to cablecast a reasonable amount of "contra, credit and sponsorship messages on the community channel to enable licensees to continue to improve the quality and quantity of community programming" (CRTC Public Notice 1986 - 182:11). On this account, sponsors can provide goods, services or money to support a community production in exchange for a written or oral mention of a name and the goods or services that were provided to a particular production. These are to be still messages and no phone numbers and addresses are permitted. This affords licensees more latitude in financing the community channel -- no longer are they bound to use subscriber revenues only. However, the CRTC clarified the provisions regarding sponsorship messages

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[29] Chronologically these have been the Aird Commission (1929), Canadian Radio Broadcasting Commission (1932), Massey Commission (1949), Fowler Commission (1955), Glassco Commission (1963), Boyle Special Committee (1977), Clyne Special Committee (1979), Applebaum-Hebert Special Committee (1981) and The Caplan-Sauvageau Task Force on Canadian Broadcastings (1985) (Siegel, 1983:166).

in a 1988 Circular indicating that logos, graphics and voice-overs may be superimposed upon moving and still images of, say, a sponsor's building and still be an acceptable type of credit. Perhaps, this interpretation places more attention and creative potential on the message than the original 1986 Regulations intended. The 1991 Community Channel Policy allows small Class II licensees and Part III licensees "12 minutes of local advertising material per hour" (CRTC Public Notice 1991 -59:19). In this 1991 notice the CRTC also recognised that some licensees rent their production facilities to commercial and industrial producers and, although no mention is made regarding whether such practices are in keeping with community television policy, it is noted that revenues should be re-invested in the community channel.

In a 1985 amendment to the 1976 Regulations, the CRTC announced its decision to allow Class B licensees (3000 subscribers or less as per 1978 regulations) to distribute the programming outlined in the "Complementary Programming of the Community Channel" Notice as long as local programming took precedence. The Commission's rationale was that licensees, especially ones serving a smaller subscriber area, are able to develop only so much original programming at any one time, and some supplementary, or "complementary", programming would be in the public interest. Complementary programming consists of:

> Community programs produced by other cable television licensees, government or public service information material, NFB productions, children's program, educational programs not provided by the Provincial

Education Authority, alphanumeric services such as Broadcast News, the Question period portions of the House of Commons or provincial legislatures and multicultural programs (CRTC Public Notice 1985-151: 15-16).[30]

This provision remains in the 1991 Cable Television Policies, however it applies to Class 2 licensees (6000 subscribers or less as per the 1986 regulations). Small Class 2 and Part III licensees have been relieved of their responsibility to provide any active original programming at all as long as an alphanumeric service for classified advertising and public service announcements is provided. Class 1 licensees (6000 or more subscribers), in the best technical and financial position of all the cable licensees to offer community programming, have been allowed to cablecast "government and public service information material as well as the provincial or territorial Question and Period proceedings" (17). Again, the CRTC indicates that such programming would be in the public interest as long as local programming is given priority. While these exceptions to community-only programming take a great deal of local origination pressure off of the licensees, they also save money and effort. Rather than put the time and energy into producing a show, licensees can just distribute pre-fabricated programming. The potential for abuse is significant. The more

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[30] 'Alphanumeric service' is the simplest and least expensive way to transmit information over a television screen. It consists of an electronic bulletin board, usually a computer screen, upon which information is programmed. A television camera is trained upon the screen to transmit the image. Often music from a local radio station provides audio 'atmosphere'. In this way, public service announcements, weather reports, sports scores and similar information can be communicated to the viewing public.

air time devoted to alphanumeric or government programming, the less time available for community produced material.

Cable licensees may also distribute bicycled or interconnected programming on the community channel. Bicycling is a process of sending a videocassette physically to another licensee, by mail or through a friend or organization, in order that it be distributed on that system. Interconnection is a process whereby the cable licensee itself transmits a program over a micro-wave or hard wire mini-network to other operating systems. Section 2 of the 1976 Cable Television Regulations provided for program bicycling if such material was integrated into local programming. In 1982 the Commission decided to broaden this provision and allow bicycled programs to be cablecast on their own merit in limited measure. It also allowed cable licensees, for the first time, to self-regulate using trade standards developed by the CCTA.

> If not abused, it is the Commission's view that limited bicycling between systems and indeed across the country, can inject new life and interest into the channel and provide a stimulus to creativity through sharing of programming ideas, techniques and community experiences (CRTC Circular No. 286:3).

More recently, interconnection has become a reality through advances in cable technology -- technically just another form of bicycling. The CRTC has always been concerned that bicycled programming would be used by licensees _in lieu of_ local programming and has consistently denounced such practices In the 1991 Community Channel Policy the Commission finally decided to impose a 40% restriction on bicycled and interconnected

programming in order to protect the "local flavour" of the community channel. This is the case even in light of technological advances which are beginning to spawn adjacent cable systems and cable mini-networks having a reach beyond that of the CRTC's definition of "community". The CRTC maintains that community programming is to remain a local phenomenon. Therefore, the Commission is considering requiring that systems which use interconnection often apply for network licenses (1991 Community Channel Policy).

The last modification to public access policy to be discussed has to do with community programming content as outlined in the 1975 policies. As indicated earlier, cable licensees were charged with encouraging use of the community channel for "unusual ideas and opinions on the broadest range of subjects and give the community the widest opportunity of expression -- a very liberal democratic mandate. In the 1984 Community Channel Policy Review, the CCTA had requested that this policy requirement be removed on the basis that there was significant potential it would conflict with the licensee's other responsibilities, particularly its responsibility for all programming cablecast on its system. The Commission did not remove the policy provision but supplied a less controversial interpretation. It's comments are worth quoting at length.

> The encouragement of local self-expression through access programming is one of the fundamental principles of community programming. It works best in an environment of mutual support and trust, where the relationship between the licensee and the community is one that fosters vitality and fresh ideas as well as

responsibility.   At the same time, programmers are
justified in wishing to ensure that the channel not be
used in an irresponsible manner.   In order to reflect
more accurately the intention of the policy, the
Commission considers that the objective of encouraging
unusual ideas and opinions can best be met through the
encouragements of <u>innovative ideas and alternative views</u>,
and may be interpreted as such (CRTC Circular No. 297:4).

It may be that licensees were not interpreting the above to its

fullest extent.   In the 1990 Community Channel Policy Review,

the CRTC added this responsibility:

> Licensees are reminded that the community channel should
> reflect the bilingual and multicultural natures and
> characteristics of their communities.   Licensees should
> also make special efforts to meet the needs of the
> disabled and visible minorities (CRTC Public Notice
> 1990-57:14).

These are the provisions afforded through the official

discourse of the 1986 Cable Television Regulations and related

documents.   Like the Broadcasting Act, these policies promote

democracy and freedom of expression in their provisions for

public participation in television production and programming --

particularly as regards "innovative ideas and alternative

views", responsibility to the community, and cablecasts of

formal political events.   They promote equality and justice

through provisions for balance and access as well as Canadian

identity and nationalism through provision for expression by

communities of interest. Finally, the educative and socializing

functions of the community channel are recognized through

provision for educational programming and public service

information.   However, this aspect of public access was

downplayed considerably in this policy. Although the populist,

democratic and educational premises set out in the official discourse of this community channel policy does continue to provide the public access to television, it should be noted that between 1975 and 1991 some of these premises were eroded through the modifications outlined above. Thus, it may be that current community television provisions offer less access to the public than those previously.

Cable System Policies and Public Access: The Case of Vancouver

FIGURE 3

Depiction of Rogers Cable Network (Lower Mainland)[31]

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                        Rogers
                        Cable
                       Network
              M              M    |   M                M
      ┌───────────────────────┬───────┬───────────────────────┐
  Abbotsford            Surrey          Vancouver          Victoria
   Cable                Cable             Comm.              Cable
   System               System           Network            System
                                           M
  Richmond ───C─── Fraser ───C─── Vancouver ───C─── Burnaby
                                    Studio
                                      C
            West End ───C─── Kitsilano ───C───East Van.
```
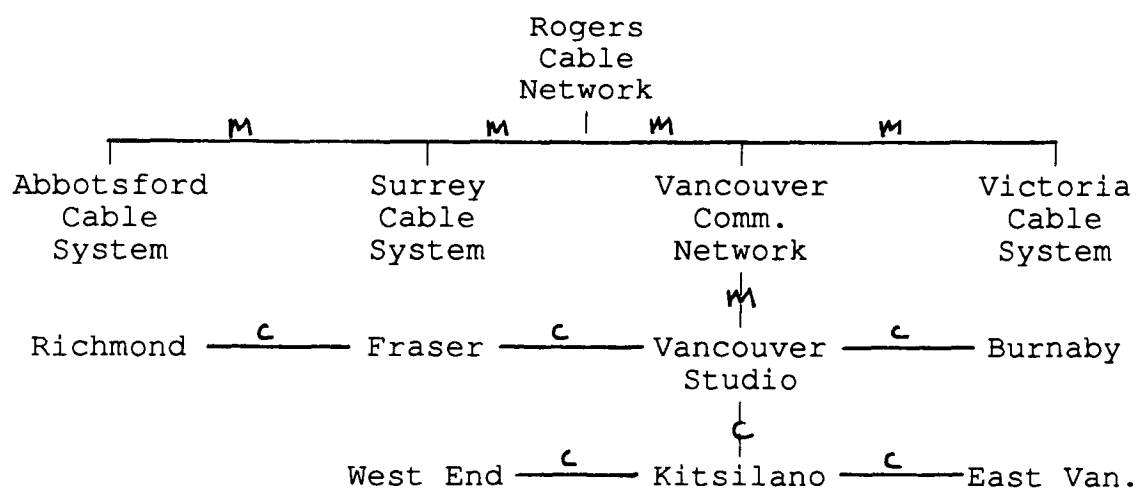
Vancouver Studio = Site of Interviews and Data Collection

M = Interconnected by Microwave

C = Interconnected by Coaxial Cable

The above policies and regulations are interpreted and implemented by individual cable systems throughout Canada. In

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[31]Only detail of Vancouver Community Network is shown.

order to analyze whether the provisions for community television encourage or limit television access it is necessary to consider, to some degree, how their principles are practically applied by individual cable systems. The description of Vancouver's cable system, operated by Rogers Cable TV --Vancouver (Rogers Vancouver), is based on the system's Volunteer Policies and Procedures manual and informal interviews with Martin Truax and Deborah Angrave of the Vancouver Studio's staff. This section will provide an outline of the structure, philosophy and policies of Rogers Cable in order to show the degree to which the CRTC policy provisions actually afford the public access to television.

Vancouver, a diverse and metropolitan city of 431,147 people, is served by one cable system, Rogers Cable Television. Rogers, one of the largest cable companies in Canada, has significant penetration in British Columbia -- its network reaches up to half the province's population. Thus, each community is afforded excellent access to production and programming opportunities (M. Truax, personal communication, 30 March, 1992). Figure 3 will be useful for understanding how Rogers Cable TV - Vancouver public access fits into the larger picture of Rogers Cable TV offerings in the Province in general.

The Rogers Cable Network in B.C. is comprised of 5 cable systems: Abbotsford, Surrey, Victoria, Fraser, and Vancouver. These systems are interconnected either by microwave or by coaxial cable as indicated M or C in the diagram, and each is

responsible for the community programming in its own area. Vancouver's Cable System, Rogers Community Network -- Community 4, consists of locations at Burnaby, Richmond and Vancouver. The Vancouver Studio holds the license for Rogers Burnaby and Rogers Richmond and is thus responsible for their community programming requirements. While each area cablecasts material of specific interest to itself, the three locations also form a "network" to cablecast in all three areas simultaneously. The Vancouver Studio is also the primary programmer for these locations. From its Master Control Facilities in Burnaby, the Studio cablecasts roughly 6 hours of programming daily that is shared by Vancouver, Burnaby and Richmond, the rest of the fourteen hours of programming is undertaken by those locations.

The Vancouver Studio is the headquarters for Vancouver's three Neighbourhood Television Offices (NTOs or NTVs): Kitsilano, Vancouver East, and West End. The three NTOs were developed in the early 1970s to "serve the programming and access needs of people who lived in distinct neighbourhoods of the city" (M. Truax, personal communication, 30 March, 1992). Most volunteer produced programming is done through these offices by individuals and groups from the neighbourhood. While volunteer produced programming occurs at the Vancouver Studio as well, its mandate is more broad and its programming reflects the broad interests of the entire Vancouver area. It is responsible for acquiring outside programming, coordinating programming developed at the NTOs, coordinating distant networking with the

other Rogers Cable Stations throughout British Columbia, and producing programming at the Rogers corporation's behest. The Vancouver studio also is more active in producing programming for those members of the community who are willing and able to supply ideas but not technical assistance (D. Angrave, personal communication, 30 March, 1992).

Rogers Vancouver operates under a corporate policy which combines the policy guidelines and regulations set out by the CRTC and the trade standards developed by the CCTA. Unfortunately, the corporate policy is not available for public examination. Nonetheless, Rogers Vancouver's 1988 Volunteer Policies and Procedures Manual (Rogers Manual) reflects the corporation's visions (M. Truax and D. Angrave, personal communication, 30 March, 1992).

> People who give their services to the Community Channel do so out of a sense of community spirit and/or to learn more about television production. In return, the Community channel offers a means of expression and an opportunity for learning (Rogers Manual:1).

The Rogers Manual outlines philosophy, policy and procedures which are in keeping with those of the CRTC. Community television is an opportunity to learn and participate on the level of community as an alternative to other forms of television access and programming. Individuals may volunteer to assist productions or can train to produce their own.

Community members interested in producing and airing a show on Community 4 are required to undergo a period of orientation and training. While the process varies from production centre

to production centre, at Rogers Vancouver volunteers are exposed to a series of experiences through which they gradually develop their knowledge of video production and technical skill. Thus, volunteers may observe production for a period of time and assist non-technically on a few shoots before they take the specific workshops needed to test out on the equipment they will need for their production. Once they have taken the workshops they may be required to assist on other productions for some time before being allowed to take equipment on their own. Program Directors have primary responsibility for training and volunteer assistance (M. Truax, personal communication, 30 March, 1992).[32]

Rogers Vancouver offers "Fair But Limited Access". Potential community producers must submit program proposals which are assessed as to their "acceptability" for Community 4. Access policies are specific to individual programming offices and final determination rests with the Program Director.

> It is the policy of Rogers Cable TV to accommodate and program a wide spectrum of community interests and concerns. Consideration will be given to those community groups and individuals whose issues and concerns are given little attention in other media, and are most in need of expression through Community Programming. However, the degree of access is monitored by the Program Director to ensure no monopolization of excess channel time is enjoyed by particular participating groups or individuals (Rogers Manual:3).

Criteria for assessing proposals are whether program material

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[32] According to an informational video developed by Rogers Cable TV, there is usually a one month wait between the initial phone call and the first orientation. Waiting lists are also not uncommon for the workshops (Your Community Channel, 1990).

is: useful for the community, best communicated in a television format, following on the heels of a similar program, likely to be a high use of Channel resources, etc. Because the Canadian policies make cable companies responsible for material cablecast on the community station, access is a highly subjective matter. Individual stations and their staff are given discretionary power regarding who may have access to community production facilities as well as regarding program content.

Much of the Rogers Manual is devoted to operationalizing and explaining CRTC and CCTA guidelines such as balance, the representation of alternative points of view, and the appropriate use of advertising, promotion and credits. Community standards for programming and journalistic standards are also outlined. The former are restrictions on program content as to:

> ...sexually explicit material or gratuitous violence; material which discriminates in matters of Constitutional Rights such as race, origin, religion, colour, sex or handicap; or material which is false or libellous; or profuse or vulgar language which is included for shock value only (Rogers Manual:5).

The section on journalistic standards outlines interview protocol, proper contextual use of information, representation of diverse views on controversial subjects, and other technical and ethical issues.

As mentioned in the earlier discussion of the CRTC rules governing Cable, community channels are no longer barred from using limited forms and amounts of advertising. In keeping with the CRTC's policy, the Rogers Manual indicates that community

program may neither be used to blatantly advertise or promote products nor to "air" spot advertisements and commercials. However, sponsorship and contra advertising are allowed on the condition that sponsors and donors have no editorial control of the community program, that they follow the rules set out by the CRTC, and that the monies or products are used specifically for the community channel. "Sometimes a group may wish to provide funds to offset the community channel's production costs. This may take the form of government grants or direct funding of a producer's salary or other expenses" (10). The Manual notes that volunteers are not to seek out sponsorship or contra agreements and are not to obligate the company in any way. Rather, the Program Director should be notified to look into such matters.

Rogers Vancouver cablecasts community programs a number of times "to reach as wide an audience as possible" (Rogers Manual:11). These "airings" are done in batches and Rogers attempts to notify community producers of any changes, preemptions, or alterations to the "airing" time. Programs may be cut at the beginning or end or "joined in progress" if the programming schedule dictates. All programs developed using Rogers Vancouver facilities are the sole property of Rogers and, therefore, may be edited or modified to conform to CRTC, CCTA and system regulations. Rogers also reserves the right to negotiate any future uses of such programs. Programs "of a timeless nature" will be retained and may be cablecast from time

to time. Rogers may also bicycle a program and will endeavour to contact the producer in that event. Neither the station nor the community producer may sell or utilize programs for financial gain.

The rest of the Manual is dedicated to specific rules and regulations about equipment use, security, safety, mobile unit and control room use, care of equipment, prior approval of expenses, use of Rogers vehicles, and personal conduct and appearance. It should be noted that explanations of the proper behaviour and comportment of Community 4 volunteers comprise a significant portion of these guidelines. A list of grounds for cancelling production privileges closes the Manual -- transgressions ranging from discourtesy and misrepresentation to drug and alcohol use, absenteeism and violation of the policies and practices.

From this outline of the Rogers Vancouver Policies and Procedures it should be clear that Rogers Cable exercises a high degree of control over the production and programming of community programs. It should also be clear that Rogers has kept to the letter of the law in its Manual and accurately reproduces those policy objectives of both the Broadcasting Act, the CRTC's requirements and the CCTA's industry standards -- these foundations are all evident and matter-of-factly stated. However, the corporate policy, unavailable to the public, would outline policies and procedures regarding how the 40%/60% distribution of local and "other" programming should be treated,

to what degree and on what bases programs should be bicycled or interconnected and, perhaps most importantly, how the community is notified about the community channel, how the community has input into the channel, or how it obtains information about the weekly program schedule. The personal interviews with the Program Director and the Program Coordinator of the Vancouver Studio staff supplied information on some of these issues.

There are primarily three ways that community input to the channel is solicited: 1) through an Advisory Board, 2) through a phone machine where comments are logged and reviewed monthly, and 3) through the "culture" and daily operation of the station where informal input from community volunteers and others encountered during work-related tasks can be gathered. The Advisory Board, although not required by the CRTC, was suggested in its policies as an acceptable way to solicit community input. It is corporate policy that all Rogers systems strike an Advisory Board -- the size dependent upon the size of the system. Rogers Vancouver's Advisory Board is comprised of 8 members. The Chair is held by Rogers Vancouver's Program Manager, the Vice Chair is held by Rogers's Divisional Manager and the other 6 seats are drawn from "influential, public-minded people from the various communities of interest" (50% male and 50% female). While the Advisory Board's charge is to advise on programming matters, issues about cable in general are discussed on occasion. The Advisory Board has no binding power.

> The only power that it has is that the Advisory Board is
> made up of people who are somewhat powerful in the

community. I'm sure any one of them, if they wanted to
take issue, would be quite vocal in the community. And
they are of the level of the people in the community
whose judgement we tend to take anyway (M. Truax,
personal communication, 30 March, 1992).

Angrave advises that Program Coordinators are encouraged to

actively keep their ear to the ground for community feedback and

to actively participate, as much as possible, in community

events. Also, volunteers and other members of the community can

be quite vocal.   She does acknowledge, however, that some

communities, ethnic or otherwise, have value systems or

characteristics that make them less likely to offer input

through the current channels.   She indicated that quantitative

measurement of who is watching the channel might provide

information currently unavailable but that to date Rogers does

not have Bureau of Broadcast Measurement ratings which might

furnish such information. "What I always hear is: 'when is this

program going to be shown?'...the community is mostly frustrated

that they can't find us in the TV guide". This is an issue that

was addressed by CRTC Commissioner Beverly Oda in her address to

the CCTA at the 1991 Convention -- that cable systems needed to

work more on promotion of the Community Channel and listing of

its program schedule. Angrave indicates that program listing

has not yet become a budget item but that such action is

forthcoming.   The Vancouver Studio has begun to promote the

program schedule more on the community channel itself, however

(personal communication, 30 March, 1992).

Regarding bicycling and interconnection, programming from

all Rogers community channels as well as programming from other systems may be distributed on the Rogers Lower Mainland Cable Network (see Figure 3, p. 119). This network does operate continuously but there is a designated schedule and community producers, whether seasoned or neophyte, must apply and be selected for access to it. Selection is dependent upon the type of programming and the desired "air" time and is decided by the Vancouver location (Angrave, personal communication, 30 March, 1992). While there is no mention of this network in the 1988 Policies and Procedures Manual, it is clear that British Columbia is well on its way to having an entrenched provincial network devoted to community programming and community issues. It is very important to note that cable networks, such as this one in British Columbia, are not the norm in either Canada or the United States. Also, even though Rogers has a network, its use is still fairly limited for community programming.

Provisional and Procedural Limits to Canadian Access

While the 1975 Cable Television Policies and 1986 Cable Television Regulations do afford community access to television on all these counts through the facilities and supervision of privately owned cable stations, the community's access is limited by a number of factors. So far we have seen how policy provisions facilitate public access to television through a cable community channel. However, this section will outline how the policy provisions for public access outlined above, and recent amendments, limit the public's access to television.

Specific details about how policies are actually interpreted and implemented at the station level will be supplied using data gathered from informal interviews with staff at Rogers Vancouver.

Regarding access to television production and programming, we have seen that the CRTC removed the requirement that all cable systems provide a community channel. The 1991 policy exempts Small Class 2 systems (less than 2000 subscribers) and Part III licensees (serving "unserved" communities) from providing community programming at all on the basis that it is logically and financially unfeasible. Instead, these licensees are to maintain an alphanumeric message service as an electronic kiosk.[33] Significant is the fact that new license classifications which have enlarged the number of subscribers for each Class, results in larger systems not affording the community actual production and programming access. The result is that less central, less monied and often less enfranchised communities, pockets of 2000 people or less, suffer an access differential.

Erosions to the public's access have also occurred in the case of provisions to allow "complementary", government and

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[33] As noted earlier, unserved communities are those communities not served by other commercial broadcast media such as radio or television. These are often northern, First Nations communities. While in-depth discussion of the particular implications of these communities' lack of access to television production technology is beyond the scope of this paper, it is an area that should receive more attention. The Inuit Broadcasting Corporation (IBC) is an example of a First Nations operated network. The Canadian government does provide partial funding for this project.

public interest programming on Class 1 and 2 systems. As was noted, the CRTC recently put a 40% restriction on bicycled and interconnected programming, which leaves 60% of the programming for local community programs. However, this figure is misleading since the CRTC has also given Class 1 licensees permission to program government and public service material on the community channel and allows Class 2 licensees to cablecast "complementary programming". From the 1991 Community Channel Policy, it is unclear whether the CRTC intended such programming to be scheduled as part of the 40% limit for bicycled material or as part of the 60% of the local programming. Such information was not attained during the interviews with Rogers Vancouver staff. However, given cable licensees' tendency to prefer pre-developed programming to the local production process, this lack of clarity in the policy document will likely lead to significant erosions of the 60% local community programming time.[34] As well, these provisions are in direct contravention of the statement below made in the CRTC's 1979 "Review of Certain Cable Television Programming Issues". It seems that the only remnant of the original vision of the community channel as a local, participatory alternative to regular television is the channel's "localness". From the policy documents, the role of the Cable Television lobby in pressing for "latitude" in the use of the channel have resulted

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[34] These preferences are apparent from comments in CRTC community channel policy reviews.

in some significant concessions.

> The pressure for the sharing of the community channel
> with such services as the proceedings of federal and
> provincial legislatures, reflects an overcrowding of the
> basic service of some cable television systems. The need
> to share the community channel will diminish as the
> augmented service is developed and the penetration of
> converters increases. In the interim period, however,
> the Commission's studies do not indicate nor are there
> representations to substantiate that the sharing of the
> community channel with other services would constitute a
> positive step in the development of the unique service
> provided by the community channel. On the basis of its
> assessment, the Commission concludes that there should be
> no amendments to the Commission's existing policy and
> regulation [to cablecast only community programming on
> the channel] (11).

It is important to note that the Commission altered the

previous 1976 Cable Television Regulations and allowed Class 1

licensees to offer more on the community channel than community

programming alone. This seems to have been less a conscious

decision on the part of the Commission than it was a matter of

bringing the regulations into line with common practice.

> The Commission is aware that many program directors
> include in their schedules programs supplied by the Red
> Cross, provincial tourism agencies, Revenue Canada, and
> others. All these programs are technically prohibited
> because they fall outside the definition of community
> programming, yet all appear to have a valid place within
> the public service mandate of the community channel. In
> the Commission's view, the exhibition of a limited amount
> of public service information material would be in the
> public interest (17).

The manner in which cable licensees fund their community

channels may also be limiting the general public's access to the

channel. As noted, licensees have not been required to

re-invest 10% of _gross subscriber revenues_ into the community

channel since the 1986 regulations. Rather, licensees are

expected to contribute 5% of <u>basic service revenues</u> or, more specifically, 5% of the base portion of the basic monthly fee. It is unclear whether the actual dollar amounts being re-invested into the community channel under the new guidelines are greater than they were before, but on the basis of the difference between gross subscriber and basic service revenues, it would seem that they have been substantially reduced. There are two possible implications of this provision. The first is that the licensee will have to scrimp on the technical facility and staffing for the community channel resulting in lower quality productions for fewer community members. The second is that licensees will rely more on acquiring outside funding through sponsorship and will tailor their services to address the needs of those who can supply financial assistance.

In the 1979 Review of Certain Cable Programming Issues, the cable lobby was already requesting advertising and other programming on the community channel. In 1986, the cable industry's wishes were granted by the CRTC in its decision to allow a reasonable amount of contra, credit and sponsorship messages, when applicable, as part of a community production. While not explicitly stated as the reason for this provision, it may be that the CRTC felt more community members would be interested in using the channel if there were some advertising potential. On the other hand, cable stations might be more responsive to community needs if there were some financial incentive -- even if all monies had to be reinvested in the

community channel. The regulations indicate that all messages are to be limited to the written or oral mention of a name and the goods or services that were provided to the particular production. But the dollar amount represented can be quite significant. As indicated earlier, Rogers Vancouver has advised its community "volunteers" that sponsors and donors may have no editorial control of a community program or the actions of the licensee. However, this is more subjective than the 1988 Rogers Manual would indicate.

> Sometimes a group may wish to provide funds to offset the community channel's production costs. This may take the form of government grants or direct funding of a producer's salary or other expenses (Rogers Cable - Vancouver Volunteer Policies and Procedures, 1988:10).

> Obviously it is a delicate subject for [Rogers Vancouver] if we are talking sponsorship and we are talking access. We want to create, and we have done that, a facility where we won't deny anybody access to the channel but it has to be within realistic parameters with what we can supply. If an individual or a group or an organization wants access to our facilities and is able to put forward or acquire third-party funding to top up what we can supply to meet their needs, then we will proceed (M. Truax, personal communication, 30 March, 1992).

Certainly, any exchange of money or goods for the benefit of programming blurs the line between community programming and commercial programming on community television. In these cases, Program Directors, Program Coordinators, producers and sponsors must be clear about their goals and the goals of community television.

A further grey area occurs regarding the actual form of the sponsorship message. While written or oral messages continue to be the policy, Circular No. 348, a 1988 CRTC clarification of

the provisions regarding sponsorship messages, indicates that logos, graphics and voice-overs may be superimposed upon moving and still images of, say, a sponsor's building and still be an acceptable type of credit. This would seem to place a bit more attention and creative potential on the message than the original intent of the policy would afford. More recently, the 1991 Community Channel Policy has proposed to allow Small Class 2 (less than 2000 subscribers) and Part III licensees serving unserved communities "12 minutes of local advertising material per hour" (19). The understanding is that revenues derived from this provision will be used for development of the community channel or local programming. The new regulations have not yet come into effect but there is every indication that this proposal will be adopted. Certainly, these provisions could lead to abuse of advertising as well as the potential erosion of the amount of time available for cablecasting community productions. The provisions could also encourage an increased focus on soliciting and developing effective sponsorship to the detriment of the hands-on, popular spirit needed to solicit, develop and support "pure" publicly produced shows on an ongoing basis. This has happened in some instances.

> It is no secret that when our sister system in Toronto started sponsorship in 1986 the result was that they killed volunteerism because all of a sudden they realized that they didn't have to go through all of the hassles of working with volunteers....With this added revenue they could just hire everybody and they effectively killed their own volunteer program. It still hasn't recovered. In fact, they're not all that keen to recover....But for us [Rogers Vancouver]...it should be emblazoned above our door, "With Sponsorship Nothing Changes" (M. Truax,

personal communication, 30 March 1992).

This issue of the changing shape of voluntarism brings into question to what degree "pure" access is available to interested individuals and groups. Goldberg (1990) indicates that since the early 1970s when programs were citizen initiated and produced, cable stations have, more and more, taken the responsibility for production so that now volunteers work more as assistants who offer production ideas and assistance to the station producer in the technical development of a show. There is also the question of how volunteers are trained and within what period of time. At Rogers Vancouver, a volunteer might be trained for up to a year, technically and artistically, before he/she is allowed to use the equipment alone and pursue a program idea. At Shaw Cable of North/West Vancouver, the 1989 volunteer manual closes with, "Now that you have met our team, we encourage you to participate with us on our video productions" (13). That policy and station provisions are moving away from a democratized access structure toward a more privatized industry seems apparent. Public access to television is becoming more a matter of cable stations serving _in_ the public interest than serving the public's interests.

One way to ensure that "autonomous" community developed programming is distributed for viewing, whether local or not, is through bicycling and interconnection. While the CRTC may be concerned that these practices have negative effects on the local flavour of community channels, these distribution

techniques also open the possibility for positive inter-community communication. However, the 1991 Community Channel Policy proposals regarding bicycling and interconnection, instead of making provision to increase the distribution and reach of either local or "outside" citizen produced programming, works to limit the total amount of citizen produced community programming in the first place. As has been noted, the Commission suggested that 60% of the material cablecast on the community channel be locally produced -- a reasonable amount. However, this provision does not ensure that the remaining 40% will be devoted to "pure" community programs rather than pre-developed complementary or government programming. No guidelines have been supplied. The criteria for choosing a bicycled program for cablecast is whether or not it is of local interest. What constitutes "local interest" is decided by the cable licensee. Although such decisions should be based on community input, the degree to which the general public's opinions are considered, as opposed to an Advisory Board comprised of community elites, is questionable and unsubstantiable. It is also interesting that "complementary", government and public interest programming may or may not be locally produced or reflect the local flavour of the community. Nonetheless, there seems to be less question about its suitability for cablecasting than bicycled or interconnected material. The policy provisions, how they are interpreted and implemented and upon what information those decisions are based

-- as well as the structures for community input into the process -- all limit bicycling and local community programming and thus, the public's access to the programming and production process for "pure" programs.

Requiring that cable licensees be responsible for the material they cablecast further erodes public control and access to the production and programming process. The manner in which this provision ensures limits to "pure" access to television is insidious. For example, some cable licensees have adopted a policy to not cablecast any original language multicultural programming. The rationale for this decision is that staff do not speak the languages and thus cannot ensure that the material complies with the required standards in an informed manner (D. Angrave, personal communication, 30 March, 1992; Goldberg, personal communication, 5 November, 1991). One can see logic in this reasoning. However, while this is an exceptional interpretation of responsibility, it shows the degree of control licensees have over their facilities and programming schedules and the lack of control and protection afforded the general public. The decisions of these particular licensees result in a terrible loss to the Canadian public -- particularly in light of Canada's multicultural policy, the CRTC's policy to encourage "minority" programming, and the diversity of the Canadian population. While the losses in this example are quite apparent, there is no telling what other kinds of self-censorship take place and with what results.

Restrictions do not only apply to content, there are technical quality restrictions that limit the public's access as well.

> The policy has been with the broadcasters, and with us, that we will not air certain formats because it just looks technically poor. We have a policy here that we do not air home format. That has been softened a little bit now with the upgrade of home/consumer equipment and a certain portion, I think up to 20% of a program, can contain what is called "documentary footage" if it is germane (D. Angrave, personal communication, 30 March, 1992).

On this account, some licensees have chosen to only produce programs themselves in order that they are technically sophisticated and pleasing -- imbued with the characteristic broadcast look. In these cases, the public's access is limited to volunteer input and assistance (see Shaw Cable4 Manual). While such programming reflects well on the channel and certainly makes it more pleasant to watch, the practice changes the fundamental premises of community participation and expression through television. By holding licensees liable for programming on their systems and binding them to certain technical standards, the CRTC has ensured that the they have the flexibility and the responsibility to shape the production procedures and the programming content so that final products adhere to CRTC and industry guidelines. However, this flexibility -- under the rubric of responsibility -- can be abused. In situations such as these where one policy directive (the cable licensee's responsibility for all cablecast material) works in opposition to another (the public's preferably

autonomous access to television production and programming), who is to decide which should have precedence?

Ultimately, the decision rests with the CRTC which has invested cable licensees with the entire business of implementing the community television mandate. While some degree of restriction may be necessary, how public access provisions are interpreted and applied is dependent upon the discretion of program directors and, ultimately, the corporation itself -- subjective entities with individual responsibilities and interests of their own. These for-profit establishments may or may not hire staff sensitive to the needs and concerns of the local community. Yet these businesses are required to make the choices that count: what should be programmed? which story ideas should be produced? what content or technical quality is acceptable? whether a production idea too costly, in time or money, to undertake, etc.

Licensees have the flexibility to respond or not to respond to a particular community's requests. Since cable channels are private enterprises keen on maintaining and expanding their viewership, corporate interests inevitably play some part in the selection of production ideas and programming choices. Thus, there may be an added subjective content or technical restriction on material that would not reflect well on the cable company itself or that might give viewers incentive to withdraw their subscriptions to the cable service. While there is no formal indication that this occurs, the manner in which public

access provisions set up the implementation network make these concerns very real indeed. Policy provisions which regulate content and technical standards require a certain degree of self-censorship on the part of the cable licensee and the community producers. It would seem that this self-censorship would impede the process of citizen participation and expression through the public forum of television. To what degree this occurs now is unknown. Future study in this area could prove to be quite valuable.

The CRTC has never <u>required</u> cable licensees to unfailingly earmark a certain percentage of profits for the community channel. Nor has the Commission <u>required</u> that the technical level of equipment meet broadcast standards or that percentages of staff and training opportunities reflect the size of the subscriber area or the community television demand of the station. Nor has the Commission been particularly vigilant in monitoring its regulations and guidelines (Goldberg, 1990:17). By not <u>requiring</u> cable systems to meet certain criteria, there is the very real danger that they will choose to meet them only minimally, if at all. This is not to say that most, or many, licensees will attempt to make less of their obligations. Rather, it is to say that policies which present optional guidelines will more likely engender sporadic and/or situational compliance.

For example, the CRTC reports that "certain licensees have ignored their responsibilities to encourage broad community

participation by restricting access to the channel in instances where community groups were unable or unwilling to attract sponsors" (1990 Community Channel Policy Review). Licensees have also been reluctant to invest resources for the promotion of community television, especially as regards the local and ongoing distribution of the program schedule (D. Angrave, personal communication, 30 March, 1992; Oda, 1991). The relations between private industry and the state engendered by privatization, while beneficial for these parties, is not necessarily in the public's interest. Privatization makes it difficult for issues that are not profit related to make it to the policy agenda. Thus, in the case of public access to television, the public's cultural, democratic or educational interests are neither identified nor ensured. Also, public requests for access to forms of television other than community television are often misunderstood or considered altogether ridiculous (G. Robinson, personal communication, 23 Jan, 1992). Community television was originally intended for public use. This is becoming less and less the case.

These are just some of the ways in which policy options and requirements, at the hands of a private industry, have resulted in real losses to the individuals and communities for whom community television was originally intended as regards their access to the production and programming process.

Limitations of public input and/or opposition might have an effect on the manner in which the CRTC and cable licensees

approach their respective duties. However, such input is limited. By definition, the public is supposed to have input into the shape and function of community television, but the provisions for such access hold neither the CRTC nor the cable licensee responsible for ensuring that the public opinion on community television -- regarding federal or local policies and practices -- is actually incorporated.

Take the case of the CRTC and policy development. While it routinely solicits input from all members of society on matters regarding community television, its policy reports tend to reflect the input of the cable lobby but not the general public. I undertook an informal content analysis of the number of times private cable corporations and the CCTA, the broadcasting lobby, and community groups are cited in the 1991 Community Channel Policy as providing input for policy decisions. The results show that cable industry input was cited 15 times, broadcast industry input 2 times, and community input 2 times. Thus, cable interests are cited as supplying 80 percent of the influence on this CRTC policy. This crude statistic would indicate that the cable industry may be disproportionately represented in the CRTC's policy considerations. Because there is no indication of what issues the community was vocal on, there is no way to ensure that the community's input has been duly considered and applied. In this policy, the community's stance on the issue of advertising was clearly stated:

> A number of community groups and individuals stated that
> advertising is incompatible with the basic premise

underlying the purpose of community access television, and would ultimately distort the principle of open citizen access (11).

Unfortunately, the Commission did not rule in its favour and continued to allow a certain amount of advertising.

Public input at the local level is also limited. As we have seen, the only formal input that Rogers Vancouver collects and logs are comments deposited on an answering machine. Other input, besides that of the Advisory Board, is either gleaned by staff from their daily encounters with people, or through comments delivered by phone or on location which reach the ears of staff but may or may not be logged or remembered. The Advisory Board, from the description supplied earlier, is clearly an elite body which may or may not be attuned to the needs and desires of the general public. Information on how the licensee ensures the public's input is utilized was not sought during the interviews. While the data gathered from Rogers Vancouver on these points are not sufficient to claim that the community's input is lost or minimized on Rogers Vancouver specifically, the point is that the provisions do not ensure that it won't be lost on cable licensees generally. Such a possibility must be admitted and investigated. Further study of this issue is needed.

Limitations regarding the distribution of community programming once it has been developed are caused largely by current community television policy provisions. In order to discuss this point, it must be understood that there is a

significant difference between broadcast technology and cable technology -- a difference which affects the manner in which each is regulated. Unlike over-the-air broadcasting, the distribution of a cable system has actual geographic limits because cable transmission is determined by the physical outlay of the cable itself.[35] The geographically bounded nature of cable systems is further illustrated in the way that license classes are determined by the number of households in established subscriber areas.[36] It could be argued that, although cable stations are not involved in local program origination on a large scale, they do not significantly modify or change the broadcasting process and thus would be considered broadcasters responsible to the full impact of the Broadcasting Act. Using the rationale that the cable system is "primarily a technological reception and distribution system" the CRTC chose not to afford cable stations status as broadcasters (1975 Cable Television Policies: 2).

The implications of this broadcast/re-broadcast distinction are significant. It can be argued that cable stations are not

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[35] It is inaccurate to say that the reach of cable systems is limited to a micro-local level only. More and more cable systems have satellite, microwave, and regular frequency transmitting ability. Thus, cable licensees can interconnect as networks and cablecast quite broadly. Rogers Vancouver can interconnect to one half of the residents of British Columbia (M. Truax, personal communication, 30 March, 1992). Community programming in this interconnected network is limited.

[36] Again, this definition considers only one aspect of the cable system in deeming it a re-broadcast technology -- the cable distribution system from the head end (where the system receives over-the-air signals from broadcast sources.

formally bound by the terms and language of the Broadcasting Act which refer specifically to over-the-air technologies. If this is the case, then provisions for public access to cable technology still do not give the Canadian public access to the airwaves that, according to the Broadcasting Act, belong to them. So, although radio frequencies are public property, they are still not accessible to the Canadian public because public access is provided only through cable technology as per the 1975 Cable Policies. The result of these two policy decisions -- 1) that broadcast and re-broadcast technologies are different and should be regulated under different policies and standards and 2) that public access should be afforded through cable technology not broadcast technology -- is that <u>the CRTC has effectively limited the public's voice to the micro-local area</u>. Broadcast stations, whose distribution reach is macro-local or national, are not required to provide any kind of public access. Perhaps this is why the CRTC has named its public access provision "<u>community</u> television".[37]

Why does the CRTC not provide for public access to broadcast systems and the broader-than-local reach that broadcasting can provide? Although the general public owns the airwaves, the "scarcity rationale" has been the primary justification for not giving it formal broadcast access. Yet,

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[37] As noted earlier, Rogers Cable Network does increase cable distribution substantially and thus, could render much of this particular argument moot. However, there does not seem to be wide use of the network for community programming so the public's access still remains localized.

cable technology is not bound by a "scarcity rationale". Co-axial cable is able to carry anywhere from twelve to sixty or more channels at a time -- an amount that continues to increase. In early deliberations about public access to television, it was decided that the channel capability of cable could easily accommodate a public access channel. By placing community television in a cable technology, popular pressure on the CRTC for use of broadcast frequencies was reduced. Also, the issues of frequency distribution and regulation were simplified considerably (Goldberg, 1990).

There were other reasons for this decision as well. In its statement of the rationale behind the 1975 Cable Policies, the CRTC openly acknowledged its own responsiveness to commercial broadcasters' concerns. Broadcasters were worried that cable technology would "fragment" broadcast audiences and thereby decrease the amount of collectable advertising revenue. They also feared that cable stations would receive and re-distribute broadcast signals and thereby make broadcasting virtually obsolete. Both these fears have come true to some degree, the broadcast industry is crying hard times (D. Angrave, personal communication, 30 March, 1992).

> In developing and refining its cable television policy the dilemma the Commission faces is...how to integrate cable television into the Canadian broadcasting system as a full contributing partner to the system. Central to the problem are three key issues: a) the extent to which cable television should provide community programming that cannot be provided by over-the-air broadcasters and the extent of the commitment which cable television licensees should be asked to provide, to support such programming; b) the measures that cable television should

be required to take to minimize damage to the over-the-air broadcasting system; c) the extent to which cable television can assist the Canadian program production industry (1975 Cable Television Policies: 2).

The CRTC focused on three concerns: 1) cable companies' interest in developing hardware systems over originating programming; 2) cable systems tendency to receive signals free-of-charge, charge people consistent rates for one-time development of an operating system and the relatively minor ongoing maintenance costs, and then returning very little of the profits to their communities; and 3) the threat that cable systems posed to the big business of broadcasting. In light of these, the CRTC adopted a strategy of requiring stations to provide and fund public access television in order to keep the cable industry from growing too quickly, crowding broadcast jurisdiction, and moving ahead of established regulatory procedure. By providing for the public's access to television through cable technology, the CRTC was fulfilling the participatory intent of the Broadcasting Act while still retaining "scarce" broadcast frequencies for those more able to provide programming of interest to the general public.[38] Public access continues to be provided for primarily at the local level.

Since this line of reasoning was developed, the Canadian

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[38] Some individuals have developed schemes whereby broadcast stations would be required to provide production and programming facilities a certain number of hours per day or per week (Nader & Riley, 1988; Labunski, 1989). In this way, the public could have at least some access to broadcasting systems.

cable industry has grown at a remarkable rate. While the three concerns outlined here do remain, the cable industry has managed to continue growing in spite of its requirement to provide community television. Although it is pure speculation, the cable lobby may currently have as much or more clout than the broadcast lobby based on its potential for telecommunications and interactive systems.

Even when community television is provided on cable, the public's viewing access to this channel is limited because it is located in a subscriber-fee technology. Cable television is not free. In order to receive basic service, and thus the community channel, subscribers must have a television that has a cable input feed and must pay a hook-up fee and monthly charges. Because access is based on having the material and financial capital to subscribe, cable is a more elite medium than regular broadcast television. Thus, community television, although based on a community/democratic rhetoric in policy documents, is not really a community/democratic endeavour because only those members of the community able to receive and afford cable service have viewing access to it. In this way, community television embodies a certain elitism in that it is a service for those who can or will pay for cable television (whether or not viewing access the community channel is a consideration).

Even if one does subscribe to cable, the manner in which programs are scheduled may affect the public's has viewing access to them. For example, I undertook another informal

analysis of Rogers Community Program Schedules from 2 March 1992 to 31 May 1992, in which three programs, identifiably products of specific communities of interest, were tracked to determine at what times they were cablecast. In this way, it could be determined whether a large or small audience would have viewing access to them (see Figure 4). The programs, Chinatown Today -- pertaining to the interests of the Vancouver Chinese community, East Side Story -- about issues salient to the East Side of Vancouver (characteristically "working class" with many ethnic communities), and Prism -- a show dealing with gay and lesbian issues, were treated quite differently in the programming schedule. Chinatown Today, a monthly program, is cablecast on a rotating schedule of Tuesday, Thursday and Friday at 9:00 a.m., 11:00 a.m. and 11:00 p.m. respectively. Scheduling like this is easy to remember and offers diversity in times and days shown so that a wide group of people with differing schedules can have viewing access to it.

FIGURE 4

Analysis of Rogers Cable Channel 4 Schedule

Dates and Times of Three Special Interest Programs
2 March 1992 - 31 May 1992

Chinatown Today	East Side Story	Prism
22:00 Fri 27 Mar	21:00 Mon 2 Mar	23:00 Mon 2 Mar
9:00 Thu 28 Apr	11:00 Thu 5 Mar	23:00 Thu 26 Mar
11:00 Thu 30 Apr	22:00 Fri 6 Mar	23:00 Sat 28 Mar
22:00 Fri 1 May	18:00 Sun 5 Apr	22:30 Sun 29 Mar
9:00 Tue 26 May	21:00 Mon 6 Apr	23:00 Mon 30 Mar
	11:00 Thu 9 Apr	22:00 Wed 22 Apr
	22:00 Fri 10 Apr	22:30 Thu 23 Apr
	18:00 Sun 3 May	23:00 Mon 27 Apr
	21:00 Mon 4 May	22:00 Wed 27 May
	11:00 Thu 7 May	
	22:00 Fri 8 May	
	22:30 Thu 28 May	
	11:00 Thu 28 May	

This was also the case regarding East Side Story. This program is also a monthly program which is cablecast live at 6:00 p.m. on Sundays and is subsequently "aired" on the following Monday, Thursday and Friday at 9:00 p.m., 11:00 a.m. and 10:00 p.m. respectively. Prism, however, did not follow as diverse and systematic a schedule other than that it is cablecast for 3 or 4 days at the end of a month always at 10:00 p.m., 10:30 p.m. or 11:00 p.m. While the data do not provide information regarding why Prism is scheduled at such a late hour, it is safe to say that it does restrict viewers considerably. Thus, scheduling decisions can affect whether a group with a program gets access to viewers and vice versa. Again, it is the cable licensee who develops the schedules.

Because of the discursive nature of television and its ability to educate and socialize, program diversity is crucial in order that elite discourses are not continually reproduced as the major structures and ideas of society. However, television's immense strategic value located in sophisticated technology makes it an elite medium. Canada has made a move to democratize television, to some degree, through federal policy provisions for public access. However, there are a number of limits to this access, as we have seen.

In the next chapter, the historical and current context of public access in the United States will receive similar treatment and culminate in a discussion of how policy provisions in that country have limited the public's access to television. As in Canada, the potential for democratizing the medium is also diminished through policy provisions. An overview and comparison of the limitations of the two contexts will follow in Chapter Six.

CHAPTER FIVE

THE UNITED STATES' CONTEXT

United States' Broadcast History and Public Access

Long before the Aird Commission queried the Canadian public about the shape and function broadcasting should take within its borders, U.S. commercial radio broadcasters were forming the National Association of Broadcasters (NAB). This organization, and numerous independent and amateur broadcasters, encouraged government regulation of radio to allay the chaos of continual frequency interruptions. The resulting legislation, the Radio Act of 1927, authorized the Federal Regulatory Commission (FRC) to allocate radio frequencies for the "public convenience, interest, or necessity". This standard is the foundation of the 1934 Communications Act by which U.S. communications are still regulated. Unlike Canada, the U.S. government did not form a public component of the broadcasting system. Cole (1983), responding to Peers (1983), historically characterizes the American broadcasting system:

> Peer's discussion gives the impression that all important developments in U.S. broadcasting policy have been the logical, natural, and largely inevitable results of coherent principles and basic American traditions, including liberalism, competitive free enterprise, and the merchandising of goods. In fact, many of the significant policy developments in American broadcasting resulted from a piecemeal, ad hoc decision-making approach and depended on timing, the presence and strong predictions of a single government official, or dubious judgement. A number of important policies were adopted only by narrow margins in FCC or appellate court votes

(35).[28]

The regulatory body, the Federal Communications Commission (FCC), was created by the Communications Act of 1934 from a suggestion by President Franklin Roosevelt to combine the FRC and the Interstate Commerce Commission (ICC) (Baughman, 1987:3). This body is charged with regulating interstate and foreign communication by cable, wire, radio and satellite (added in 1962) "in the public interest" which includes broadcasting and telecommunications. Like the CRTC, the FCC must enforce Congress's legislation and does report to the House but it operates independent of Congress or any other governmental body. The Inspector General does conduct sporadic internal audits of the FCC, however, and reports to Congress as well (47 USC 35, 151).

The Radio Act of 1927 was created to regulate communications and "to provide for the use of such channels, but not the ownership thereof, by individuals, firms, or corporations, for limited periods of time, under licenses granted by federal authority" (44 Stat. 1064). The FRC was charged to administer the Act "as public convenience, interest or necessity require[d]" (Sec. 4). This phrase, commonly referred to as the "public interest standard", is what American

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[28] McChesney (1990) argues that initially broadcasting had a more broad, grassroots base. However, lobbying efforts by commercial broadcasters resulted in a system favourable to it which was finally entrenched with the passing of the Broadcasting Act of 1934.

communications law and regulation is based. In contrast to the Canadian system, the American public can claim neither ownership nor right to the air waves.

Section 9 of the Radio Act of 1927 indicates that the FRC "shall make such a distribution of licenses, bands of frequency wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same" (44 Stat. 1166). This section would seem to place a responsibility upon the FRC to provide access to communities i.e. the general public. However, the Radio Act of 1927 was amended a year later and this section was changed drastically. The new version indicated that licenses were to be "allocated" not "distributed" and the word "community" was left off the list of those entities to whom licenses would fall. Rather, broadcasting licenses went to "The States, the District of Columbia, the Territories and Possessions of the United States within each zone, each according to population" (44 Stat. 373). Even before the general public had an opportunity to utilize its provision for broadcasting, the FRC chose to take its mandate as guardian seriously and operate television in the public's interest. Also, instead of licensing the general public or people for broadcast use, as in the case of Canada, licenses were granted to geographic zones which were to serve as a public trust.

It was out of these two Acts that the Communications Act of 1934 was developed. The tone and intent of the Communications

Act of 1934 is best presented through a verbatim quote of its

first Section:

> For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this Act [emphasis added] (48 Stat. 1064).

The Communications Act of 1934 clearly sets out the

national defense as the first order of business regarding

communications use and policy. It adopts the provisions of

Section 9 of the Radio Act of 1928 for the granting of licenses

based on demographics. However, it does declare that the

"people of all the zones...are entitled to equality of radio

broadcasting service, both of transmission and of reception" (48

Stat. 1084). The Communications Act of 1934 refers to this

provision as "equality of broadcasting service". While this

clause could be interpreted that entitlement to equal

transmission means entitlement to transmission access, the

clause was not left long enough on the books to bear that

conclusion out. On 5 June 1936 it was amended again to read

"the Commission shall make such distribution of licenses,

frequencies, hours of operation, and power among the several

States and communities as to provide a fair, efficient, and

equitable distribution of radio service to each of the same" (49 Stat. 1475). This is the provision that remains to date - supplying justice and equality in reception and distribution of radio service.[29]

Under the Communications Act, the FCC is vested with the authority and responsibility to establish rules and grant licenses as per the public interest standard (47 USC 1457). The public's only express input into the system is through Section 309 (d)'s option to petition to deny a television station its licence during renewal proceedings.

Fairness Doctrine

Currently the United States has no provision for the regulation of program content. At one time, the Fairness Doctrine did make content provision through a requirement for balanced treatment of issues. This provision was revoked in the mid-1980s. Its importance as a precedent for public access to television cannot be overlooked. Thus, a discussion of its history and ultimate fate is in order.

As mentioned, during the 1960s there was great pressure to afford the public some access to television. While Section 18 of the Communications Act of 1934 required that broadcasters afford political candidates equal air time, this provision was used to support balance for other issues of public interest.

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[29] The Communications Act Section 202 governing common carriers provides that they are not to discriminate against people or areas re facilities or services. Such provisions are not indicated in other sections of the Act.

> It would not be fair, indeed it would not be good service
> to the public to allow a one-sided presentation of the
> political issues of a campaign. In so far as a program
> consists of discussion of public questions, public
> interest requires ample play for the free and fair
> competition of opposing views, and the commission
> believes that the principle applies not only addresses by
> political candidates but to all discussion of issues of
> importance to the public (FCC in Labunski, 1989:228).

This interpretation of Section 18 set the stage for subsequent claims from the public for the responsibility of broadcasters to present balanced coverage of issues of public concern as well as to give the public access to television as one way to provide balance. FCC decisions and court cases provided further definition of this section in the public's favour. In Mayflower Broadcasting Corporation (1941), the FCC determined that broadcasters could not editorialize. In the Matter of Editorialization by Broadcast Licensees (1949), the decision was reversed so that broadcasters could editorialize, but only on condition that they provide balanced coverage of issues. 1959 is cited as the year that the Fairness Doctrine was codified by Congress in an amendment to Section 315 which exempted news programming from the equal opportunity rule for political candidates (Pember, 1990:555). In Red Lion Broadcasting Corporation v. FCC (1967), the Supreme Court held that the Fairness Doctrine was not only constitutional, it was an important for safe-keeping First Amendment rights. However, between 1986 and 1988 a series of FCC and court decisions resulted in President Reagan vetoing legislation in the House and Senate to retain the Doctrine. The Reagan administration,

with the express help of Judge Robert Bork of the U.S. Court of

Appeals for the District of Columbia, had removed the one point

of access for diverse views and public access. The FCC

reasoning in this decision is as follows:

> Because of the growth in broadcast technology, scarcity
> of channels was no longer a problem. Consequently, one
> station no longer had to present all points of view to
> insure the public was well informed. Also, the chilling
> effect on broadcasters who became timid rather than risk
> Fairness Doctrine violations hurt rather than helped the
> public discussion of controversial issues. In addition
> the agency said it could find no evidence that the
> Congress had ever made the doctrine a part of the law.
> Finally, the commissioners said the Fairness Doctrine was
> a violation of the First Amendment. In making this
> assertion the FCC flatly contradicted the Supreme Court
> which in 1967 had ruled that the Fairness Doctrine was
> indeed constitutional (Red Lion Broadcasting Corporation
> v. FCC, 1967:556).

The United States enjoyed twenty years with a legal basis

upon which to challenge the programming choices and practices of

commercial broadcasters. Now that this provision has been

removed, so has been the public's ability to claim legal right

to access or control of the content of broadcast media.

These provisions show that the ideology underlying American

broadcasting is based on notions of guardianship and patronage.

Both the FCC and licensed broadcast stations are expected to act

in the public interest, an interest based on reception of

service as opposed to participation in service. Not only is

public access and input into the broadcasting system limited by

the Communications Act, the policy itself does not have a

cultural or social orientation similar to that of Canada's

Broadcasting Act. Rather than promote democratic participation

in the nation's communication system and affairs, the Communications Act seems to "protect" established interests -- particularly those that have to do with national defense. There is no mention of the First Amendment right to freedom of speech other than that the FCC has no jurisdiction to censor broadcasters (49 Stat. 1090). Nationalism and U.S. identity are defined negatively as interests needing to be "defended" from outside influences. On this account, broadcast licenses are not to be granted to "aliens" and non-citizens (49 Stat. 1064 and 1086). Balance, once the basis upon which public access was based, now only pertains to the case of air time for political candidates (49 Stat. 1088). Equality, justice and balance are discussed in terms of signal reception or as something to be provided by stations rather than achieved through public participation. In the case of the American broadcasting system, the public has never really had access to broadcast technology. What little access it has had in the form of balanced representation of issues through the Fairness Doctrine. Although some chose to allow the public access to represent an opposing view, this provision was still administered by private broadcasters.

Foundations, Ideology and Current Provisions for Public Access

Under circumstance similar to those of Canada, U. S. cable systems were encouraged to provide public access through an informal recommendation in by the FCC in 1969 (20 FCC 2d 201) and later as a requirement in 1972 (36 FCC 2d 143). As recorded

in the 1972 Report and Order, the FCC recommended that cable systems serving 3500 or more subscribers provide specifically designated channels, public access being the one of interest in this instance, in order that "the fundamental goals of a national communications structure be furthered by cable" (36 FCC 2d 190). The FCC distinguished broadcast technology from rebroadcast technology in the same manner as Canada, and likewise perceived access as a way for cable companies to reinvest their profits in the community. The Commission was quite vocal about the fact that many of the stances taken in the 1972 Report and Order were experiments in the regulation and use of new cable technology. It was reluctant to impose too stringent requirements or provisions on cable stations initially, especially regarding public access. Refinements in these provisions were codified as regulations in 1976 (37 RR 2d 213).[30]

Cable regulation in America has been significantly affected by court interpretations of law and FCC jurisdiction. Unlike the situation in Canada, public access in the United States has undergone a number of significant policy changes as a result of court action which have affected its development. In the 1968 case U.S. v. Southwestern Cable Co., the courts ruled that the

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[30] For the most part, cities and municipalities have had some control over the activities of cable companies based on their power to negotiate the terms of the franchise agreements. Not only have cities established rates for use of their public ways, they have also been able to require public access provision as a condition of franchise agreement.

FCC did have regulatory jurisdiction over all cable systems (392 USC 157). It was upon this decision that the FCC based its authority to require that cable systems offer public access. However, the FCC's actions were challenged twice by the Midwest Video Corporation. The second challenge (1979) overturned the FCC's requirement of public access provisions on the grounds that it was beyond the Commission's jurisdiction to regulate in this manner (571 F.2d 1025 (8th Cir., 1978) & 99 S. Ct. 1435 (1979)). Between 1979 and 1984, public access was no longer federally required although the FCC encouraged cable stations to adhere to its previously set guidelines voluntarily. The legacy of this period is that public access has become the charge of City and State officials who may opt to require such provisions as part of franchise agreements.[31]

The Cable Communications Policy Act of 1984 codified the initiatives to amend the Communications Act of 1934 that were set out in Congressional Bill H.R. 4103. This Act established a much needed national policy for the cable industry by providing "standards which clarify the authority of Federal, state and local government to regulate cable through the franchise process" (PL 98-549:24). In doing this, however, public access provision was relegated to the whimsy of local franchising authorities as an optional element of franchise

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[31] The legal and communications literature are virtually silent about regulatory and cable action between 1979 and 1984.

agreements.[32]   The Cable Communications Policy Act of 1984 finally and officially relieved the FCC of any responsibilities for public access.

Current Public Access Provisions

The City of Seattle Ordinance 105427, the Cable Communications Ordinance, was adopted in 1976 to "regulate in the public interest the operation of cable communications systems and their use of the public streets" and undertake all of the provisions necessary in fulfilment of that charge (Subtitle V CATV Chapter 21.60: 21-89). It requires that cable companies, as a stipulation of their franchise agreement, must provide the three PEG access channels as part of basic service -- the public access channel, the educational channel and the government channel. The Ordinance does not indicate upon what this adjudication has been premised -- free speech, inter-community communication, etc. Rather, it flatly states that this provision be made. It invests an Office of Cable Communications (OCC) with overseeing the franchising process along with other informational and negotiating duties including ensuring that the cable franchisees are in keeping with FCC regulations. However, according to Deborah Lewis, the Cable Regulator for the City of Seattle and the only member of the OCC, there is very little daily work regarding public access

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[32] The public access channel is one of three public interest/public trust provisions. The other two are an educational channel specifically for educational programming and a government channel on which local government proceedings can be aired. These public channels are often referred to jointly by the acronym PEG.

(personal communication, 8 April, 1992). The Ordinance also provides for a Citizens' Cable Communications Advisory Board (CCCAB). This Board is comprised of 7 members who are appointed by the Mayor and approved by the City Council. The Board makes recommendations to the Council on matters of franchising, rate setting, subscriber complaints, PEG channels, cable communications policy, and grants and financial assistance in the development of cable systems. The CCCAB and the OCC are to review the Master Ordinance's public access requirement bi-annually to determine whether it should continue.

The Master Ordinance contains guidelines for writing the Franchise Agreements which are legal contracts between the City and the cable companies (J. Giamberso, personal Communication, 6 April, 1992). The terms of the Franchise Agreements are operationalized in the Operating Rules and Procedures. Seattle cable franchisees are currently bound by the 1983 Operating Rules and Procedures which were developed out of the Northwest Franchise District Agreement and the Master Ordinance.

Seattle's Cable Ordinance requires that access channels be afforded to the public as part of the cable franchisee's basic service. The shape that the public access channel takes is dependent upon the channel capability of the station. If a station has 12 channel capacity, it must provide public access on a composite PEG channel. If it has twenty or more channels, it must provide an entire channel for educational, government or public access programming. Also, each district is to have

access to production facilities, free of charge, "on a first-come, first-serve, nondiscriminatory basis" (21.60.090 Sec. D: 21-94). Seattle has been divided into 5 geographically determined franchise districts. Currently three cable companies serve the 5 districts: Viacom and Summit Cablevision serve one district each, and TCI serves two districts. The downtown area is currently "uncabled" (D. Lewis, personal communication, 8 April, 1992).

The franchising process consists of the City of Seattle issuing a "Request for Proposal" (RFP) which outlines the City's needs regarding the area to be served. Cable companies then submit proposals outlining the type of service they would supply and the manner in which it would be undertaken. The City chooses from among these proposals and the OCC assigns the channels. The decisions are based upon whose response is "in the best interest of the city and...would serve the citizens and the community best" (D. Lewis, personal communication, 8 April, 1992). There is little or no negotiation involved in this process. When the City decides to accept a proposal, the understanding is that it will be implemented as originally submitted (D. Lewis, personal communication, 8 April, 1992). Cable franchisees sign and agree to operate under both the Master Ordinance and the Franchising Agreement (J. Giamberso, personal communication, 6 April, 1992). Because four of Seattle's five districts have already been franchised, the initial franchising process remains only for the downtown area.

The other companies which already hold franchises must undergo a refranchising process in order to renegotiate and renew their agreements. This is currently the case for TCI and Viacom. Summit Cablevision's franchise agreement will be ready for renewal in eight years (J. Fernandez, personal communication, 6 April, 1992).

The public may contact the OCC at any time with complaints and other input regarding the cable process. The Cable Regulator then contacts the various cable companies to pass such information on. In a letter to the Seattle Times which requests public input, Parker Lindner, the Chair of the CCCAB indicated that citizens should send copies of their letters to the Board since the "cable office [OCC] does not share its letter files with the cable board [CCCAB]" (19 April, 1992). Of course, the public may provide input to either the Board, the OCC or any of the cable franchisees at any time. Although it is the responsibility of the OCC to assess the needs of the community under federal law, there seems to be no documentation that these efforts have been made and Lewis indicates that staffing and budget cuts have made it virtually impossible (personal communication, 19 May, 1992). It is also the responsibility of the OCC to promote the use of the public access channels and to attempt to secure funding for PEG channels generally. However, there is some question as to effort the OCC has put into this charge (P. Lindner, personal communication, 7 April, 1992; Fernandez, personal communication, 6 April, 1992).

Neither the federal Cable Communications Policy Act of 1984 nor the Seattle City Ordinance stipulates a percentage of operating costs that franchisees must commit to public access. From a national perspective, this has been cited as one of the drawbacks of the current system of regulation because it allows so much regional variance in commitment to public access service (P. Manley, personal communication, 26 March, 1992).

In Seattle, each franchisee independently funds its own production facilities and TCI funds the playback facility. Franchise agreements specify funding as a <u>level of service</u> that must be provided rather than a specific dollar amount (S. Scowcroft, personal communication, 7 April, 1992). While the 1984 Cable Communications Policy Act indicates that municipalities may charge a franchise fee of up to 5% of operating costs, Seattle has chosen not to do so. Rather, it charges cable companies 9% of their taxable income under the Business and Occupation tax. However, these monies are put into the City's general fund (P. Lindner, personal communication, 7 April, 1992; J. Fernandez, personal communication, 6 April, 1992; S. Scowcroft, personal communication, 7 April, 1992). While 1.2% of the tax money is earmarked for the Government Channel, and the Consortium of Community Colleges provides some monies for the Educational Channel, there is no such financial arrangement for the Public Access channel. There is some indication, however, that local producers willing to put additional funding into a production may do so (S. Scowcroft,

personal communication, 7 April, 1992).

While the Master Ordinance makes no mention of whether the community channel may or may not undertake commercial activity, the 1983 Operating Rules and Procedures regarding Public Access Facilities and Channels indicate that public access and facilities are non-commercial endeavours. As in Canada, however, a certain amount of credit sponsorship is allowed. There are community producers who try, overtly or covertly, to slip advertising into their productions. Since most programs are pre-screened, these kinds of transgressions are usually found out and removed from the programming schedule (J. Fernandez, personal communication, 6 April, 1992). Unlike Canada, cable companies take no responsibility for the content of material cablecast on their public access channel. Franchisees may not "exercise any editorial control over any video programming" (HR 4103:7). This theoretically prohibits stations from denying access based on content. Although such a provision would seem to give the public access channel of the cable station common carrier status, the 1984 Cable Communications Policy Act and the Seattle Master Ordinance are explicit in indicating that this is not the case.

Seattle's Master Ordinance does not specify how the matter of program scheduling is be undertaken, nor how the cablecasting of imported, bicycled or interconnected programming should be undertaken. The 1983 Operating Rules and Procedures do set out guidelines for program scheduling, indicating that local

programs should be given scheduling precedence over imported

programming. These Rules and Procedures also indicate that the

purpose of public access facilities and channels is to "provide

an opportunity for public expression" through cable systems.

> In consideration of the potential of public access
> television, it is the intent of these rules to ensure
> that access be provided to individuals or groups within
> the community for whom the alternate forms of television
> broadcasting are generally unavailable. Also, they seek
> to preserve the diversity of such viewpoints and
> programming to reflect community needs (1983 Operating
> Rules and Procedures:1).

These are the provisions afforded through the official

discourse of the 1984 Cable Communications Policy Act, the 1976

Seattle Master Ordinance, and the 1983 Operating Rules and

Procedures. While many of the tenets of the Communications Act

are not overtly promoted in the language of these documents

(promotion of the national defense, freedom of speech for

broadcasters, efficiency and centralized regulation) their

intent is realized through what is <u>not</u> provided for in these

policies. The policies afford the public the right to just and

equal reception of service as well as the benefit of a

communications system that is regulated by federal or local

government as the guardian and patron of the public's interest.

All members of the public are given equal opportunity to use the

access to television afforded as well as equal opportunity for

favourable program scheduling.[33] There is no indication,

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[33] In my paper "The Multicultural Policy and Changing
Definitions of Equality" I argue that equality based on an equality
of opportunity allows for the structural discrimination an equality
of results would not.

however, that the local provisions advocate an efficient communications or regulatory system that is premised on centralized authority. In fact, it is interesting that although each one of these three policy documents derives its authority from the document which precedes it in the hierarchy, there is very little in the documents themselves to indicate that they are formally related. Perhaps, as Cole suggested earlier, this reflects the ad hoc nature of communications policy in the United States.

The ideology upheld by adoption of the 1984 Cable Communications Policy Act which allows State and Municipal governments to require public access to television production and programming as a condition of franchise can be traced broadly to cable technology's multi-station ability. As discussed in Chapter Two, cable's multi-station capacity makes the "scarcity rationale" for limited public access to television obsolete. In the FCC Report and Order of 3 February, 1972, the Commission noted that:

> Broadcast signals are being used as a basic component in the establishment of cable systems, and it is therefore appropriate that the fundamental goals of a national communications structure be furthered by cable -- the opening of new outlets for local expression, the promotion of diversity in television programming, the advancement of educational and instructional television and increased informational services of local governments...we believe there is increasing need for channels for community expression, and the steps we are taking are designed to serve that need. The public access channel will offer a practical opportunity to participate in community dialogue through a mass medium

(36 FCC 2d 190).[34]

This statement does not reflect the ideological tenets of the Communications Act. Rather, it promotes local democratic participation and expression, diversity, and the educational nature of the medium. Unfortunately, that so much is left to interpretation provides loopholes which policy-makers at all levels can use to further or avoid the intent stated if it serves their ends to do so. For example, "local/community expression" is not expressly defined as it is in Canadian policy documents. Thus, "community" is a geographic identifier. And while this legislation clearly puts a responsibility on the cable franchisee to provide production, programming and training access to the community, there is no requirement that it take responsibility for making the public aware of these opportunities. Nor are franchisees responsible for the material presented on public access programming. Through this provision, the FCC promoted the tenets of a "democracy committed to fostering "uninhibited, robust, and wide-open" debate on public issues" (36 FCC 2d 194). This Report and Order advocates common carrier status for the public access channel, a suggestion that has not been accorded any serious consideration. The Report and Order also suggests that dual regulation (federal and local) of PEG stations would be "confusing and impracticable" (271).

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[34] Note how nearly this statement construes cable technology as an extension or equivalent to broadcasting. Even with statements such as these, cable remains a re-broadcast technology which is regulated differently from broadcast systems.

However this sentiment is reversed in the 1984 Cable Communications Policy Act which requires regulation that combines local and federal control.

The ideological foundations of early public access movement and legislation are much more liberal than those finalized in the 1984 Cable Communications Policy Act. While both "eras" are based on the traditional American goals of democracy and freedom of speech, after 1984 there is less discussion of the ideological and philosophical foundations of the policy of public access on cable television than there is unembellished statement of the policy alone. For example, in the 1984 Cable Communications Policy Act, section 611 states "the committee believes it is integral to the concept of the use of PEG channels that such use be free from any editorial control or supervision by the cable operator". This implies First Amendment protection, but there is no earlier discussion of what the "concept of the use of PEG channels" is. It is also interesting to note that the following section, Section 612 re Cable Channels for commercial use, states clearly in its first clause that "the purpose of this section is to assure that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with the growth and development of cable systems" (47 USC 532). That no such goal is clearly articulated in the section on public access is curious. One can only speculate as to the intention behind the differences in each of these

sections.

As indicated earlier, Seattle's Master Ordinance also makes no mention of the philosophical/ideological bases upon which public access are premised. Again, it upholds the right to just and equal reception of service and expresses the state's power as a guardian and patron able to require that private companies fund and administer the public service of public access television at its behest. The specific purposes and premises of public access are briefly outlined in documents such as Seattle's 1983 Northwest Franchise District Agreement and the 1983 Operating Rules and Procedures. These promote the First Amendment right of public expression, democracy and equality through the state's and private industry's responsibility to ensure the community has access to television. There is no formal mention of the educative or socializing potential of the channel. Of particular importance is the 1983 Operating Rules and Procedures' proclamation that community television is intended specifically for "individuals or groups for whom the alternate forms of television broadcasting are generally unavailable" (1). Not only does this statement recognize that there are "mainstream" and "alternate" forms of television broadcasting, but that the public's access is at a premium.

Cable System Policies and Public Access -- The Case of Seattle

The above policies and regulations are interpreted and implemented by three cable companies in the city of Seattle. In order to determine whether and to what degree these provisions

limit the public's access to television, it is necessary to consider the situation of Seattle in detail. The following description of the Seattle public access system is based on a combination of data sources: policy statements, public access user handbooks, program schedules and informal interviews with staff at each of the three cable companies as well as the Cable Regulator of the OCC and the Chair of the CCCAB. This section will focus, in large part, on the policies and procedures at TCI's Northwest Access and Production Centre since it is through this company and its facility that programming and scheduling decisions for the City are made.

Seattle serves its diverse population of 516,259 with three cable stations: Viacom, TCI and Summit Cablevision. While operating very much like Rogers Vancouver and its Richmond/Burnaby network, these three stations are owned by separate private companies and each operates a separate public access production centre. Shows produced at any one of these locations are physically shipped to the NWA&PC where they are shown on Channel 29, a network-type station which airs on all three cable stations. TCI is responsible for coordinating the program schedule at this Facility.

Unlike the Rogers system in British Columbia which is interconnected with other cable licensees throughout the province, the Seattle public access system is confined to the greater Seattle area for the most part, even though TCI does have network capability outside of the Seattle area (see Figure

5). As indicated earlier, each franchisee has a different agreement with the City although the three cable companies have coordinated an interconnected community channel network which runs programming from all 4 districts on one channel, Channel 29. TCI, as the largest company serving the largest area in the city, has the responsibility of programming the Public Access Channel. It does this at its playback facility, the Northwest Access and Production Centre. Also, TCI and Summit Cablevision's franchise agreements require that they supply production facilities and staff. Because Viacom's franchise agreement predated the City's development of more formal public access stipulations for cable operators, it is not <u>required</u> to provide production facilities. However, Viacom has decided to provide such facilities as a demonstration of good corporate citizenship (J. Giamberso, personal communication, 6 April, 1992). The three systems serve roughly 350,000 subscribers -- a 50% penetration of the Seattle area (S. Scowcroft, personal communication, 7 April, 1992).[35] It should be noted that Summit Cablevision, which serves the Central District and the Downtown area, was set up specifically to represent the dense "minority" populations in these areas (P. Lindner, personal communication, 7 April, 1992). According to Fernandez, the Program Director at

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[35] The statistics are not consistent here. Fernandez, Program Director at Summit Cablevision, indicated that public access shows to 350,000 <u>potential</u> subscribers (personal communication, 6 April, 1992). Lewis indicated that the actual numbers of basic subscribers is 75,000 for TCI, 54,900 for Viacom and 6400 for Summit -- a total of 136,300 (personal communication, 8 April, 1992).

Summit Cablevision, 30-40% of Summit subscribers live in the Central District primarily a "low-end, Project, African-American community", the South End area is comprised of "working classes", and the Beacon Hill area can be characterized as an Asian community. "Of all of the cable companies in Seattle, Summit Cablevision definitely has the most diverse subscriber population" (Fernandez, personal communication, 6 April, 1992).

FIGURE 5

Depiction of Greater Seattle's Cable System[36]
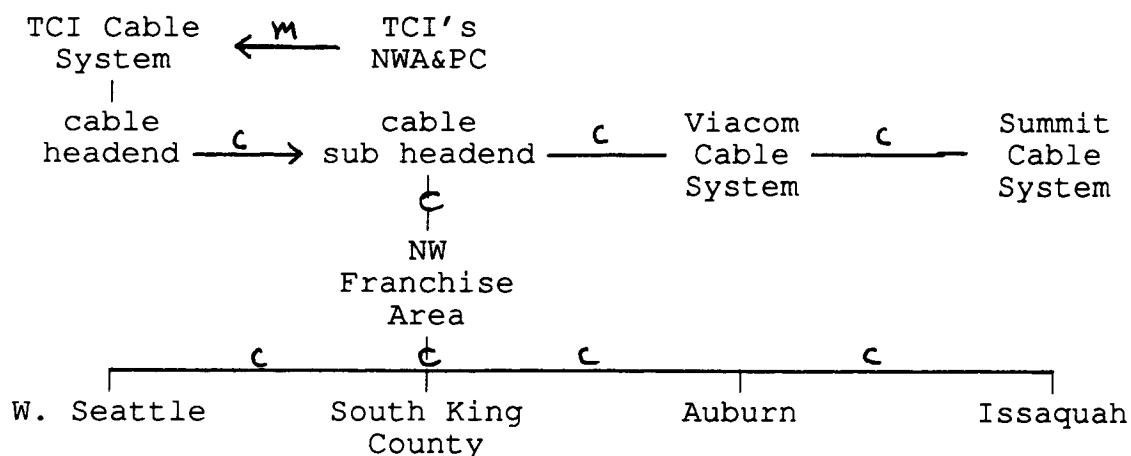
TCI's NWA&PC = Site of Program Distribution and Main Site
           for Interview and Data Collection

       M = Interconnected by Microwave

       C = Interconnected by Coaxial Cable

As in the case of Canada, each of these cable facilities operates under corporate policy which combines federal and

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[36]Only detail of TCI Network is shown.

municipal policy with industry guidelines. As well, the corporate policies are not available for public examination but their intent is, in large part, articulated in the statements of policy set out in the various Policy Handbooks.

> As a famous philosopher once said, "Public Access is community programming made by the community for the community" (Summit Cablevision Public Access Q & A:1).

> We recognize that community public access is a new community communications medium and that its value to the community rests on the assumption that the widest possible dissemination of information, from diverse and antagonistic sources, is essential to the welfare of the public (Viacom Cablevision Public Access Guidelines:3).

> The purpose of the Northwest Access and Production Center is to provide a means for individuals and groups to communicate with other Seattle Area Residents via Cable Television. TCI seeks to ensure that individuals and groups within the community are afforded access to alternative forms of telecasting which are otherwise generally unavailable. Our goal is to assist community members using video communications tools to independently express their own ideas....Each citizen...will have an equal opportunity to learn how to use NWA&PC equipment and facilities....TCI strongly upholds every individual's right to free speech. Through Public Access, residents of the greater Seattle area are given an opportunity to present their views, experiences, values and talents unencumbered by financial, philosophical or political constraints (TCI Policy Handbook, 1989:1).

These statements are in keeping with the intent of the policies and policy documents issued by the FCC and the City of Seattle. Public access television is an opportunity for the general public to communicate through the medium of television. Notable is the degree to which these statements of corporate policy emphasize the local/community nature of public access television.

Rather than describe each franchisee's access policies and

procedures, the following section will outline those at TCI which will serve as a model of public access interpretations and implementations by cable franchisees. Any major differences between the franchisees will be noted.

Any person or group wishing to produce a television show must undergo an orientation and training process. Eligibility is extended free of charge and on a "first come, first serve" basis to any non-profit adult or group residing in the Seattle area. Minors may use equipment and facilities if sponsored by an adult resident and supervised by an adult at all times. All interested individuals, whether skilled in the technicalities of video production or not, must attend a 2-3 hour orientation session which outlines the goals, procedures and restrictions of the cable franchisee/community producer relationship.

After the orientation meeting, individuals must be certified on each process and piece of equipment before they can work autonomously. This usually takes the form of one-on-one training, however development workshops and technical assistance such as Basic Introduction to Editing, Audio, Lighting, Camera Production, etc., are offered on an ongoing basis.

Community producers must submit a program proposal and complete storyboard of their program ideas to the Production Coordinator or appropriate personnel.

> Production and program originators, producers and crews are expected to be aware of potential and actual program content. Programming submitted for cablecasting is expected to be free of lotteries, advertising, defamation, obscenity and other restrictions in accordance with the rules as set forth by the City of

Seattle and the Northwest Access and Production Center (NWA&PC Policy Handbook: 12).

Denial of access cannot be based on program content unless it is illegal as defined by the City of Seattle which looks to FCC and other federal statutes. Pre-submitted program proposals allow the cable company to determine what are the technical needs and costs of a production idea. It also allows staff to give technical advise and direction for the production of the program. Staff are not to shape or affect the content of programs in any way. The decision to give a community producer production and editing time is based on that producer's application for access. Apparently, no other considerations figure into this equation.

While content is not restricted, the technical quality of a program must meet certain standards. Currently, videotapes must be an NTSC signal on 3/4 inch tape with acceptable audio. "Criteria to be used to determine technical suitability will relate to image stability and not aesthetics" (NWA&PC Policy Handbook: 12).

The TCI Policy Handbook is dominated by concern with technical quality, explanations and information regarding the logistics of operation of the station, equipment use, program selection and cablecasting and, primarily, scheduling in all of these areas. Unlike the Rogers manual, there is no focus on journalistic style, how to shape program content, or how a community producer should comport oneself in the process of gathering program data and material.

The Copyright Act of 1976 applies to public access videotape productions. "Fair Use" principles indicate that public access producers may use copyrighted material only to supplement the original production and must seek permission to use copyright material if it exceeds the "Fair Use" guidelines. The producer of the public access program owns the program and the copyright to the program, is responsible for its content, but is not allowed to sell it. A program produced at any of the public access production centres must be aired on Channel 29. It may also be aired for non-profit use and may be circulated to other cable franchisees or broadcast television stations. Programs that are potentially controversial, offensive or include sensitive material should contain a disclaimer indicating this to be the case. In this way, the NWA&PC staff are notified of this fact and can alert the Centre and the public of the controversial nature of the product. Evidently, this kind of content will not have an affect on whether a show will be cablecast or not (S. Scowcroft, personal communication, 7 April, 1992).

Channel 29 cablecasts locally produced material from 2:00 P.M. to 11:00 P.M. daily (9 hours) and TCI is responsible for developing the program schedule for the channel. A sophisticated "lottery" system has been developed whereby scheduling decisions can be made without regard for program content. The lottery assists in deciding in program placement on the schedule as well as whether a series actually gets on the

channel. Community producers (program originators) self-select their preferred cablecasting times and submit these for lottery. Live programs have top priority, followed by local original programs, imported original programs, local re-run programs, and imported re-run programs. The distinction between local and imported is based on whether a program was produced at one of the Seattle production facilities or whether it was produced at another facility by a Seattle resident.

> We wanted to make it almost like "scheduling by numbers".
> If there is a program that is a controversial program, I
> want to be able to protect the Centre from drawing fire
> for being responsible for the airing of this
> controversial programming. I would very much like to
> insulate the institution from the political winds that
> blow given the nature of many of the public access
> programs. Some say public access at its best is public
> access that draws fire. So by virtue of having very cut
> a dry formulas by which these programs can find the
> airwaves, we are able to preserve the First Amendment
> right -- the protected speech, the ability of citizens to
> be able to air their program -- and at the same time give
> the Centre the power to continue to schedule it even if
> it is unpopular (S. Scowcroft, personal communication, 7
> April, 1992).

None of the Policy Handbooks indicates policy regarding bicycling and interconnection. However, Scowcroft reports that TCI cablecasts a limited amount of imported programming, hardly any bicycled programs, and does not engage in interconnection beyond the municipal network of TCI, Viacom and Summit Cablevision and TCI's network in the greater Seattle area.

> One of the phenomenas is that there is not a great deal
> of cross-community communication. Partially that is
> because people are very provincial...but also there is as
> much [local] program material as there is available air
> time. So, while we don't discourage import programming,
> we put it at a lower priority....This is true, not of all
> but, at many access facilities across the country. So,

there is built into the system a discouraging aspect of having non-local voices being expressed on the channel (S. Scowcroft, personal communication, 7 april, 1992).

Public access to television is a non-profit venture. Individuals or group producers who attempt to use the station to solicit monies, promote commercial products or promote one side of a political debate are denied access. Access is also denied on the basis of improper use of equipment or facilities, mis-representation of producers as cable station employees, and failure to abide by the stated rules and procedures.

This outline of the policies which outline the role and responsibilities of Seattle cable public access suppliers indicate that the cable companies are merely a conduit through which the general public may exercise its First Amendment right to freedom of speech and the ideal of democratic participation. Thus, public access policies at this level are concerned with achieving the conditions which would provide a fair structure in order that such activity may take place. For the most part, company policy documents operationalize the provisions afforded through Seattle's Master Ordinance and the Operating Rules and Procedures. However, the degree to which they are mere recipes for the act of physically getting access to equipment and facilities is astounding. Notable, in particular, was the amount of confusion surrounding who should take responsibility for 1) seeking public input into the shape and operation of community channels, 2) additional funding or a new funding structure, and 3) keeping the public informed about and involved

in the ongoing process of public access policy-making.

As indicated earlier, it is the express charge of the OCC to take responsibility for the three duties outlined above. Of course, these are three charges among the many required for the general regulation of all of the other aspects of cable systems. The Advisory Board is to assist in a non-binding, advisory capacity in all of these duties. The Board is comprised of seven members who are appointed by the Mayor with approval of the City Council. They are to serve three year terms in designated seats: two for public access, one for the cable industry, one for education, and three members at large. According to Lindner, the CCCAB Chair, while the Board has pressed for action in the above three areas, the OCC has been remiss in all of these tasks.

> You cannot assume that the City is operating the way the ordinance states. In my opinion, the City is almost in contempt of its own ordinance. It has changed the rules. There is supposed to be a Cable Office which has control -- it does not. They have de-funded the Cable Office. Years ago they put it under Licensing and Consumer Affairs. There seems to be a lot of manoeuvring coming from the Mayor's Office. The people on City Council -- we have a fairly new council who have just picked up the strings -- they don't have any information. Debbie [Deborah Lewis, the Cable Regulator in the OCC] is technically the person but she doesn't seem to have much power. So, it is pretty hard to read at this point (personal communication, 7 April, 1992).

Lindner further explains these charges in a letter to the Seattle Times:

> It [the City] failed to provide a support mechanism for constituents who wished to make the three non-commercial cable channels (public, educational and government access) viable. It disempowered its citizen's advisory board, refusing to provide it secretarial support and

never created a charter that would allow advisory board members to clearly understand their roles and powers. The city earns somewhere around $4 million a year from cable company business-and-occupation taxes (29 March, 1992).

Lewis indicates that the OCC has been severely limited by staff and budget cuts (personal communication, 8 April, 1992). But also, her Department Head has requested that the Board keep its own minutes and that cable franchisees take the initiative for making their services known to the public. These unilateral decisions of the Licensing and Consumer Affairs Department are expressed nowhere in writing. As a result, the City of Seattle has created a certain amount of confusion regarding the implementation of the public access system so that now it operates as much on tradition and "understandings" as it does on formal policy provisions (S. Scowcroft, personal communication, 7 April, 1992).

Provisional and Procedural Limits to Access

Americans are afforded public access to television only if such is required by local governments. This is the case in Seattle. However, as in Canada, policy structures and provisions in the U.S. tend to limit the public's access to television. In cases where the interpretation of the American context is similar to that of Canada, this will be indicated so that one may refer to the Provisional and Procedural Limits to Access section of Chapter 4.

In the second Midwest Video Corporation v. FCC (1979) case, when the U.S. Supreme Court ruled that it was beyond FCC

regulatory jurisdiction to require that cable stations provide public access to the general public. This decision eroded the public's access on the first count, access to the production and programming process, significantly. No longer was television access a federally required provision, it became a situational provision dependent upon the decisions of local government. Many municipalities have decided to require that cable stations provide access to the public. However, local determination of the type of provisions and the terms of access results in non-standardized interpretations of access or access differentials. In Washington State, how Thurston County defines access has little or nothing to do with how King County defines access. In Seattle, the Master Ordinance does not indicate the philosophy or ideology behind the provisions for access; yet, it does require that cable stations provide access. Thus, the philosophical and political orientation of local government largely determines the public access climate.

Scowcroft has characterized public access governance as "fiercely local"; likening it to local governance of schooling through school Boards (personal communication, 7 April, 1992). While local control may be more attuned to the needs and desires of the community, it can also subordinate the needs of some constituents of the community to the benefit of others -- a process that can easily occur from entrenched traditions and hierarchies. In this way, a municipal government which is wary that public access provisions would work against it might not be

inclined to provide such access. Seattle has not taken an overtly resistant stance and, thus, the public does have access to three different production facilities.

Some of the interviews produced comments to the effect that the public's access might be less limited by more stable and increased funding (J. Fernandez, personal communication, 6 April, 1992; P. Lindner, personal communication, 7 April, 1992). The current franchise structure is set up so that franchisees agree to invest a certain level of service rather than a fixed dollar amount for public access. In Seattle, the level of service provided by each franchisee is different. This is evident through the amount of equipment and control that any particular franchisee has over the public access process or product. TCI, because it has agreed to provide a high level of service, not only maintains the best facilities and equipment, it also exercises the most control over programming and scheduling. Conversely, Summit Cablevision neither has the same funding base for public access as the other two franchisees, nor is required to provide the same level of service. One example of this access differential is that Summit Cablevision does not have a mobile van while the other two franchisees do. The ultimate result is that the population geographically proximate to this studio -- those most likely to use its public access facilities -- have access to a facility with less sophisticated equipment and less control over programming and scheduling than those populations proximate to the other public access

providers. The Summit Cablevision studio is located in South Seattle, a low income community of which 61% can be characterized as African-American. Whether this current arrangement has been developed by design, as was the original inception of Summit Cablevision, or by chance; those who use this facility do not have access to the range of equipment available at the other facilities. Fortunately, Seattle residents are able to use all three facilities although South Seattle residents must travel farther for more up-to-date equipment. This is not to say that Summit Cablevision does not provide quality public access -- what it does do it does well. Rather this is to say that its facilities and equipment are limited in comparison with the other two. A further negative result of public access television that is based on the maintenance of pre-agreed levels of service is that there is no provision for improvement of service. Both of these problems with the current access structure are attributable, in part, to policies which allow public access to be afforded in this way.

Increases in funding could be used to provide more and better quality equipment and increased staffing. Funding quotas, such as Canada requires of its cable licensees, or outside funding through public and/or private grants is crucial for the ongoing growth of community television. However, budgetary increases would have to be accompanied by changes in the terms of the franchise agreement for public access provision. There would have to be some way to ensure that

additional monies would be put toward public access improvements specifically. If no one is made responsible for funding issues, they are overlooked. Even when the responsibility has been specifically designated, as it has been to Seattle's OCC, such matters easily fall through the cracks.

Funding is also important because of the effect it has on a product's technical quality -- one of the few criteria that American cable franchisees can use to deny access to distribution. In the case of Seattle, TCI's NWA&PC must attempt to schedule all of the programs which are submitted to its facility (no content restrictions apply as a result of First Amendments rights). However, the Center may deny access on the basis of poor technical quality. One may refer to the Canadian context for a full treatment of the issues and implications on this matter. It should be noted, though, that this provision may affect individuals from certain areas disproportionately if the equipment available to them is older and produces a lower quality product -- a problem exacerbated by the incredible rate at which new technologies are developed and with ever-increasing quality. It is also important to note that this is one of the few subjective decisions that U.S. cable franchisees may make regarding whether to "accept" a program for cablecasting or not. As with any discretion, such latitude can be easily be abused.[37]

Even if all programs are accommodated in the schedule,

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[37] Having a lottery system, as has TCI, does not necessarily preclude staff from making executive decisions to schedule programs outside of the lottery framework.

Channel 29 "airs" for only 9 hours per day. That there is not more time for either multiple showings of local programs or the distribution of bicycled and imported public access programs is a limitation and, perhaps, poor use of such an important facility.

These are the primary ways that the public's access to the television production and programming process is limited in Seattle. The policy documents at all levels are consistent in stating that the public's access to production is nearly unquestioned. This does seem to be the case although the cable franchisees' discretion, particularly as regards programming access, can limit a community producer's access to television significantly. However, if and when such actions occur, they do not reflect the intent of the policy provisions.

Regarding the public's access to input into the shape and function of public access television, both policy provisions and their interpretation and implementation limit this activity. Because the FCC has passed the responsibility for providing public access to local municipalities, it is beyond the scope of the federal body to solicit public input on this issue. In Seattle, the OCC is the only body formally required to gather public input on public access television but it has not done so in recent years. What information the OCC does gather on other concerns is not always made available to the Advisory Board (D. Lewis, personal communication, 19 May, 1992; P. Lindner, personal communication, 7 April, 1992). The Advisory Board, a

structure less elite than that comparable body in Canada, may have excellent access to public input but has no formal authority to ensure that such information is noted and utilized in policy development and implementation. At the level of the franchisee there are no formal provisions for gathering public input although, as in Canada, all three companies indicate that information is garnered informally. Finally, the actual franchise agreements' terms are for such long periods of time (10-15 years) that public input into the initial negotiations is crucial in order that a positive public access system results. It is also during that time that functional mechanisms for public input would be designed. As it stands, franchise negotiations seem to be primarily agreements between the city government and private communications companies. The public's formal input is sorely missing from this picture.

Limits to the distribution of public access programming most significantly affect the American public. As in Canada, Americans do not have access to broadcast technology as a result of policy decisions and precedents based on the "scarcity rationale". Thus, public access is limited to the physical distribution constraints of an individual cable franchisee's system. Yet, even when cable systems are interconnected, the public access portion often remains localized through scheduling decisions (local programming is chosen over imported programming). The result of limited distribution is that inter-community communication is limited. As discussed in the

treatment of this issue in the Canadian context, the public's expression and participation is <u>effectively limited to the micro-local area</u>. This is particularly so in the Seattle area for two reasons: 1) the governing and regulatory system for public access is invested in local governments and 2) most cities' cable distribution systems do not cablecast beyond the greater metropolitan area -- as is the case in Seattle.

Finally, as in Vancouver, the public's access to viewing community television is dependent upon subscription to cable basic service and to the public access channel's scheduling techniques. Seattle cable franchisees sell their basic service for a fee -- a practice which limits public viewing of the cable channel to those who can afford to subscribe. According to CCCAB Chair Lindner (1992a), Seattle's cable companies charge "some of the highest rates in the nation". It is difficult to determine the degree to which subscriber fees, and particularly subscriber fees of a certain dollar amount, inhibit the public's ability or desire to subscribe to cable television. This would be a fruitful area for further study. Nonetheless, that a fee is charged at all limits the public's access to community television.

I undertook an informal content analysis of community programming in Seattle which shows, first, that an overwhelming amount of it is religious. In one week of scheduling (2 Feb, 1992 - 8 Feb, 1992), 37 out of 98 programs were identifiably religious from their titles (38%). While some of these programs

are imported (e.g. Lectures by Louis Farrakhan) the majority are locally produced (M. Lofson, personal communication, 19 May 1992).[38] Second, as in the case of Canada, certain programs are consistently scheduled in the later hours of 23:30 or 24:00 (e.g. Real to Reel, Sister Paula, Manifest Arts, Scientology, Gavin's House, Dad's T.V. Network).[39] Outside of religiously oriented material it is difficult to determine what type of programs these are by their titles and, on this account, speculation about program placement in the schedule is difficult. Programs do tend to be given a weekly time slot (Greek American in Profile: 22:30 Mondays; Gays for Jesus: 19:00 Tuesdays; Young, Gifted and Black: 19:00 Wednesdays; Women Who Win: 17:30 Wednesdays; Northwest Gay and Lesbian Focus: 22:00 Wednesdays; and Pure Black Recreation: 21:30 Fridays). Scheduling programs in this way makes it easy to remember when they "air" but makes it difficult for those who would wish to view a particular show but cannot be present at the scheduled time. TCI does change scheduling times at the start of a new programming season. Thus, between 18 Feb, 1992 and 31 Mar, 1992 the program Gays for Jesus was cablecast at 19:00. But starting

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[38] Evidently religious programming is easily produced because many religious ceremonies are 'stage events' that occur weekly. One camera on a tripod may capture the event satisfactorily. This may exemplify how a first come, first serve system might result in a significant amount of one type of programming or of much access to a few groups.

[39] According to Scowcroft, scheduling is done by lottery and is therefore relatively "unbiased" (personal communication, 7 April, 1992).

from 7 April, 1992, it had a new "air" time of 23:00. In this way, some scheduling variation is maintained.

That the Seattle public only has access to 9 hours of community programming limits both programming and viewing access. Also, that some programs are consistently scheduled at a late hour results in limitations for viewers as well as limitations to the program's reach. However, further study of program types and scheduling procedures would have to be undertaken to determine whether these programs are being actively "shunted" into the later time slots.[40]

The American Public's access has been most affected by the FCC's decision to make television access a local concern. This has resulted in a number of municipalities not requiring that the public have access to cable production and programming facilities. In Seattle, however, the public's access has been limited primarily by provisions which allow so much discretionary interpretation and which are so decentralized that the public cannot be assured a certain level of service. This is particularly the case as regards the City's role in ensuring that public access be a vital component of the cable system through fundraising, outreach, monitoring franchisee activities,

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[40] Delicacy of subject matter would seem to be the major consideration in this instance although this information was not specifically asked of interviewees. If delicacy is the case, is it a fair consideration? Why is violence, or heterosexual sexuality, any more acceptable on television than homosexual depictions and concerns? Prism's marginalization in the marginalized venue of community television demonstrates the difficulty certain "minority" groups have in claiming legitimate time and space on the mainstream television screen.

as well as collaborating with the CCCAB. On this account, cable franchisees have had the primary responsibility for defining and implementing public access. Even Viacom, which chooses to offer public access facilities as a public service even though it is not a requirement of its franchise agreement, takes on a defining role. While Viacom does adhere to the 1983 Operating Rules and Procedures, it does have the ability to select production and programming opportunities along with its responsibility to accommodate those members of the public wishing to use its facilities. Thus, it has a certain latitude to target community producers, groups and events for specific community outreach projects. These have informational and communication value for the general public as well as public relations value for Viacom (J. Giamberso, personal communication, 6 April, 1992; S. Scowcroft, personal communication, 7 April, 1992). The degree to and manner in which Viacom's latitude affects its obligation is unknown. Nor does Viacom's unique situation change the fact that Seattle's regulatory body (OCC) and its advisory arm (CCCAB) comprise a largely dysfunctional system. Because of this, the privately-owned cable companies which undertake the day-to-day operation of public access are likely to have more latitude and autonomy than originally intended by the state, or than benefits the public.

The situation outlined here is not a result of the policy provisions proper. However, it may be the legacy of a

decentralized government and a deregulated industry which operate on an ad hoc basis. If nothing else, the sheer confusion about regulations and procedures makes it difficult to hold any one entity responsible for the adequate execution of policies and duties. For those members of society not privy to the intricacies of such a system, this kind of confusion is a barrier to participation. Not only is the public at a loss of how to use the provisions to its advantage, it is also confused about where to turn for clarifying information or direction. When it is so difficult to gain information and access, the number of people seeking it in the end will be substantially less than the number who might had the procedures not been so cumbersome. This arrangement certainly benefits elite control of television and its power because the access and control structure remains largely the same.

This is not to say that those in government and/or industry who do have increased access to television have unlimited control or power over the medium. Nor it is suggested that the current system is an _active_ conspiracy to keep television out of the hands of the public or away from diverse public issues. Rather, the point is that some of the policy language and the resultant structures, by virtue of their ideals not being realized, are ideological in a way that promotes an hegemony of those elite who can and do control the definition and operation of television broadcasting. In the case of the United States, the deregulation and decentralization of communications policies

and policy-making bodies seems to undermine that essential tenet
of the Communications Act -- that communications providers must
operate in the public interest. Instead, this moral onus of
responsibility to and for the public has been shifted so that,
more and more, government and industry protect established
interests rather than use their privilege in the public's
interest (Nader & Riley, 1988). In such a climate, public
access to television is important. However, it is apparent that
significant improvements to various communications policies
(i.e. The Communications Act) as well as the structure and
function of the current system should be undertaken. Only in
this way will the intent of the local access policies and of the
First Amendment be realized.

CHAPTER SIX

CONCLUSION

Similarities and Differences in Access Limitations

If one holds that the similarities in policies and limits to access may derive, at least in part, from similarities in the social and political structure and ideology of Canada and the U.S., then it follows that dissimilarities would derive from differences between the countries. This chapter outlines and analyses some of the more salient similarities and differences between the Canadian and American public access provisions and systems. Generally, Canada and the U.S. have similar access differentials, amounts of local programming and rhetorical uses of bicycling and interconnection as a way to increase the distribution and program distribution of a publicly produced show. Differences between the countries can be found in the designation of who is ultimately responsible for programming content, whether and how advertising is used on the channel, and the manner in which community producers are trained.

As we have seen, Canada makes federal provision for the public's access to television but has created a certain access differential through the manner in which it classes and distributes licenses. Because Canada has distinct geographic areas that are populated by specific cultural populations (e.g. Quebec, the Northwest Territories), and because the license class of cable systems serving these communities is often small, the community television facilities and services offered are

limited. Thus, certain Canadian populations are not afforded access. The rationale for this differential is based on arbitrary license classifications. There is nothing in the policy documents to suggest that this differential is an intended result of the CRTC's regulation; however, this would be a fruitful area for further study.

A similar access differential is created through federal policy in the United States. This country is more densely populated and cultural pockets are not found on the large geographic scale as is the case in Canada. Giving local governments control of the decision of whether and to whom public access television may be provided can result in the same kind of access differential for certain, often "minority", populations. However, it is based on denying access to local and culturally specific areas rather than large sections of the country. One need only to look at the current state of public education in the United States to know that local governments can and will provide differential access and service to "minority" populations if given the chance (Meier, Stewart & England, 1989). The rationale for inequitable allocations of access cannot be cited in the case of the U.S. because the power to afford access has been decentralized and access decisions are based on the particular situation of each municipality. The ability of local government to create an access differential is apparent, to some degree, in Seattle where the proposal for service by Summit Cablevision was accepted by the municipal

government even when the company proposed public access services and facilities to that district far below the level of the other 3 districts.

Although there are these access differentials (and movement should commence to equalize access for all), there are those communities in each country that have been solidly provided with community television access. The cases of Vancouver and Seattle have provided evidence to suggest that there are characteristic ways that each country limits the public's access to television even when it has been provided.

Although Vancouver's Channel 4 "airs" 14 hours a day of programming in contrast to Seattle's Channel 29's 9 hours a day, it is safe to say that they both show an equal amount of local programming. This is largely due to differences in the amount of "complementary", bicycled, interconnected and/or imported programming that each system distributes.

An estimated 75% of the programming cablecast by TCI is locally produced so that 6.75 hours per day are devoted to local programming. In Canada, 40% of the programming is bicycled or interconnected (5.6 hours) which leaves 8.4 hours of locally originated programming -- a figure further eroded by provisions which allow for "complementary" programming and re-plays. Even if complementary programming is slated for 2 hours per day, resulting in a remainder of .8 hours (48 minutes) of local program time, it is likely that a good portion of this will be used for program identification, communication of the schedule

notices, etc. Thus, Seattle and Vancouver cablecast similar amounts of local programming.

While it was argued earlier that bicycled, interconnected, and imported programming is one way to increase inter-community communication, whether this is actually the case is difficult to determine. In Canada, it seems that "complementary" programming comprises the bulk of what is bicycled and interconnected. Because these programs are usually not "pure" public access products, their presence on the channel does limit the public's access to the "airtime".

In the U.S., bicycled or imported material usually is "autonomously" produced. However, the combination of its low priority in the scheduling process and the limited distribution range of the U.S. Community Channel also considerably minimizes its impact as a method of diversifying television programming. In both of these cases, limits to the increased inter-community communication that bicycling and interconnection could provide are limits to the effect of the public's voice on television discourse generally - whether on the community channel or not.

The dissimilarities between the access provisions and their implementation are interesting. In America, community producers are fully responsible for program content. This provision restricts the American public's expressive latitude less than in Canada. Under the rubric of the near-indisputable sovereignty of First Amendment rights, and because franchisees do not consult during the production process, a clear distinction can

be made between the opinions of the cable franchisee and the local originator. It is likely that franchisees would prefer to have a certain amount of content control, as is the case in Canada, in order that public access programs might not reflect poorly on the channel and/or the cable franchisee. As it stands, both the municipality and the franchisees take a hands-off approach to ensure that they cannot be faulted for impeding First Amendment rights (D. Lewis, personal communication, 8 April, 1992). Considering the prominence of this <u>first</u> amendment to the Constitution, there is little indication that there will be changes to this provision in the near future or the manner in which community production processes are shaped.

Because Canadian cable licensees are responsible for program content, they operate under similar premises as those of the defunct U.S. Fairness Doctrine. The Fairness Doctrine was determined unconstitutional and revoked on grounds that it impeded First Amendment rights. This provision in Canada imbues the cable licensee with the power of a public guardian or patron who must regulate in the public's interest -- a responsibility professed in American and not Canadian policy. While the United States' use of the Doctrine was reactive -- used by the public to limit the latitude of broadcasters in their programming, the Canadian provision is proactive but used by the government and cable licensees to limit the public's expressive latitude.

Community channels in Canada have had their profit-making potentials increased as a result of policies which broaden the

interpretation of sponsorship and advertising. This is changing licensees' consideration and treatment of the channel -- they are keen to ensure that programming is favourable in content and image in order to develop, or maintain, a large viewing audience. Thus, licensees such as Rogers Vancouver try to produce programming that has technical and artistic sophistication. Programs with these qualities require professional technical and artistic expertise as well as outside funding. It is in this way that the CRTC's decision to continue to advance the advertising potential of the community channel has given licensees an excuse for mediating the public's "pure" production and programming opportunities with a more commercial notion of program ideas and technical and artistic standards. Although the public's autonomy is eroded, one benefit of such programming is that it is sophisticated and aesthetically pleasing. Thus, it merits an increased distribution which is particularly justified in regard to the extra effort and money invested by the licensee.

The U.S. context does not yet have to contend with the problems that formal provisions for advertising would bring to the public access channel. As of now, Seattle allows no advertising on the channel other than simple credits. This stipulation seems to be relatively well enforced. That licensees are not concerned with the advertising potential of the channel is apparent in the technical quality of the material that is cablecast. It is not professionally mediated in any way

and reflects these primarily amateur origins. One liability of such programming is that it may limit the distribution and viewing potential of community programming in general -- people may choose not to watch the channel.

Certainly, the programs in both countries would be even less technically and artistically developed if training were not required for community producers. That Seattle's basic training requirements are minimal, depending upon the facility, and that local originators are not required to serve long apprenticeships doing technical assistance, as in the case in Canada, may contribute to the limited aesthetic appeal of this city's programming. Training and apprenticeships may only be required minimally because U.S. cable franchisees try not to have a great deal of input into public access productions -- especially as regards content. In fact, it is so important that cable staff are not involved in developing or shaping content that even technical assistance is minimal, leaving the local originator a great deal of autonomy. Yet, it may also be that cable franchisees do not care to invest a great deal of time and energy into the development of community producers and their products. Seattle public access television is not a profit undertaking and franchisees need only provide a certain type and level of service. There is no reason to improve the channel's look and reputation and, thus, its viewership, because such efforts would not increase subscriber revenues significantly. In contrast, Canadian cable licensees are responsible for the

content of material cablecast on their system, and training is necessary not only to ensure the sophisticated content and image discussed above, but also to ensure that content is "appropriate".

Tradition in Policy and Practice

The way that public access to television is provided and limited is based on ideological, procedural and material traditions. The ideological and procedural manifestation of tradition in policies such as Canada's Broadcasting Act or the United States' Communications Act tends to entrench ideologies and procedures as well as result in traditional material relations. We have seen that the premises that current provisions for public access promote are based on historical and ideological legacies of the policies that preceded them.

Civic democracy favours the active participation of the public to the detriment of more elite segments of society. Civil democracy entrusts elite bodies with the interest of the people. Embracing either ideal results in some systemic discrimination of particular constituents. The public access policies of both Canada and the United States, while invoking the popular and moral appeal of civic democracy, is implemented in a system of civil democracy. On this account, those entities with access to the ideological and material structures of television have more control over them. If they are vested with acting in the public's interest, as are the cable companies and regulatory bodies such as the CRTC and the OCC, there is nothing

to ensure that the public's interest is, in actuality, being accommodated.

Canadians enjoy greater assurance that they are an integral part of their nation's communications system than Americans as a result of the Broadcasting Act's ideology. Through this Act, the Canadian public has managed a foothold for access in policy even though its power to use television is minimal compared to that of the state or industry. The Broadcasting Act's proclamation that the airwaves are owned by the public is primarily responsible for this state of affairs, but its support of Canadian material and talent in television production also provides a foundation upon which the Canadian public can base its participation in the technical communications system as a result of its access to the television discourse.

This is not the case in America where the federal Communications Act requires that the communications system be regulated and operated in the public's interest. On this account, the public has no federally supported right to access at all. Perhaps this is why the American public's access to program distribution is so limited while the Canadian system has been consistently increasing its distributive potential. However, when access is provided, the federal provision for uncensored freedom of speech through the First Amendment does give the American public excellent latitude for expression. The irony is that this right must also extend to broadcasters and other communications entities. The U.S. public's right to

uncensored speech has less democratic and educative effect because of its limited access to communications technologies such as television. However, when this right is applied to broadcasters, etc., whose access to television is paramount, it gives them a near monopoly on the content of current television discourses. Basically this access differential is a result of an equal opportunity rubric -- one of the primary methods of maintaining traditional political, social and material relations in a free market system (Arafeh, 1991; Knopff, 1985/86).

In Canada the right to freedom of expression has not been interpreted as radically as in the U.S. This may be because of its relatively late arrival on the law books and subsequent court interpretations that are shaping Canadian expression as something distinct from that in the U.S. For whatever reason, the Canadian right of expression carries with it a responsibility to the public that is not found in the U.S. Adopting a right to freedom of expression is a significant act in a country that has traditionally relied on the state for guidance, protection and, to some degree, cultural maintenance (e.g. Multicultural Act). It is this responsibility to the public, as well as the government's recognition of the educational potential of television, upon which Canadian cable licensees are able to deny access on the basis of content. These are just some of the ways that traditional ideologies as embodied in policy continue to shape current policies and practices.

Television access policies and practices are also founded on, and shaped by, changes in national goals and values. Thus, while Canadian communications regulation is still deeply committed to maintaining control of television content (i.e. ideological control for the sake of encouraging a distinct Canadian cultural identity), it is beginning to adopt a more structural approach to regulation. While this shift in approach is apparent from the adoption of new access provisions (e.g. licence classifications and the pending action to require that cable systems who interconnect community programming often operate under a network license), the values upon which the shift is based are less apparent. One could argue that changes in the global economy, increased business dealings with the United States because of the Free Trade Agreement, or a general interest in Canada's economic well-being have precipitated new policy focuses. Although many regulatory and provisional changes are seemingly arbitrary because of their basis in the notion of objective efficiency, they do have significant structural and cultural effects on the system.

> Canadian and U.S. domestic communications policies differ in their ends and means. Canadian policy seeks cultural development; U.S. policy seeks consumer choice. Canadian policy relies on program content regulation and a strong public broadcasting system to achieve its objectives. U.S. policy relies on structural, or industrial, regulation and a strong commercial broadcasting system to achieve its objectives. These differences, however, are more in the nature of varying emphases than fundamental inconsistencies (Hagelin & Janisch, 1983:56).

The move to more structural regulation requires that those who have primary jurisdiction over various structures be vested

with implementing state regulations in their domain. Thus, the power bloc becomes less centralized, operates increasingly on an ad hoc basis, with the result that the elements are less able to be controlled by the overseeing body (i.e. the government). This has long been the preferred method of regulation in the United States and it may be no coincidence that U.S. regulatory practices have resulted in privatization, decentralization and have created a policy process that is exclusive as a discourse and a practice.

The public's ability to participate in social and political decision-making is, in large part, dependent upon its ability to gain access to information as well as the processes. For example, U.S. public access has been a decentralized phenomenon which, because it is created through a number of government bodies, is documented in a variety of places. Because the United States relies heavily on the courts to interpret policy and law, rationales for policy actions are usually found in court cases and supporting literature. However, the sheer amount of legislation and related documentation, and its ad hoc, decentralized nature, often results in the American public's lack of information -- most people are unable to maintain the patience and persistence needed to determine the sequence of events regarding a particular issue and find the appropriate documentation.

Canada's policy-making and documentation process is a marked contrast to that in the U.S. and is, thus, much more

accessible to the public. For example, public access policy documents are very well indexed and compiled. All of the CRTC documents used in this study included a list of previous documents and actions upon which the material at hand was based. That the Canadian government supplies its public with a clear means of determining the history and context of current policy and legislation may be because public access is a federal mandate and has remained under the jurisdiction of one body since its inception.

While this thesis has presented various ways in which federal and local provisions for public access to television, and their bases in tradition, tend to limit access, there are two pervasive assumptions that have gone unchallenged: 1) that public access should be located in a private industry and 2) that the public's access to television should be a local phenomenon.

There are very clear, practical reasons for placing community television in private cable technology, as well as for government's decision to invest the communications industry with public access administration. Acquiring and maintaining state-of-the-art television equipment and administering a public access system throughout a nation are efforts unsustainable by the current North American governments' fiscal and personnel resources. By collaborating with industry, the government can sub-contract both the costs and the obligations of public access. Cable operating systems already divide each country

into discrete geographic localities. And, since cable companies work closely with the public on a daily basis to install and maintain cable lines as well as to distribute program signals, they form a "natural" national network, with technology and staff in place, through which public access television may be offered. By requesting that cable companies reinvest a portion of their profits into the community channel, the state is somewhat relieved of the obligation, or pressure, to provide financial support. Private licensees/franchisees are also invested with the reality of administering a public access system -- a subjective balancing act of corporate, government and public interests. By handing this task to cable systems, government can avoid direct criticism or liability for access decisions at the micro-local level. This is not to imply that the state is remiss by delegating these responsibilities. Rather, it is to point out that in Canada and the U.S. government <u>has</u> delegated the fiscal and administrative responsibility to private industry.

> So let's be honest about who's really in charge. The noble ideal of user-defined, community-controlled, democratic communications are inspiring. But in this case, the community does not hold the keys to the shop. In fact, there is a fundamental contradiction at the very core of the community channel concept. Community access television is, after all, a collectivist, pluralist, egalitarian concept embedded in a hierarchical, privately controlled, corporate structure. The company regards the community not as a free-wheeling, independent entity fostering participatory democracy, but as just another department along with sales, service, and pay T.V. The only difference is that in the company ledger, community programming shows a negative cash flow (Goldberg, 1990:38).

Our discussion of the number of ways in which the commercial concerns of cable companies limit the public's "autonomous" access to television indicates the necessity to question whether private industry is able to undertake this public service without co-opting the process to serve its corporate ends.

Goldberg (1990), Kellner (1990), Salter (1988) and the Caplan Sauvageau Task force on Broadcasting (1986), all see the limits to "pure" public participation in the national discourse as a result of community television having been placed under the control of a privatized industry. They call for a democratization of the operation and structures of the channel -- giving the community more control over its shape and function -- in order to realize the real democratic potential of community television (or in order to break the hegemony of, and alliance between, the communications industry and government).

Speaking in the Canadian context, Goldberg (1990) and the Caplan Sauvageau Task Force (1986) cite the efforts of the Regroupment des Organismes Communautaires de Communication du Quebec (ROCCQ) as a model for the increased democratization of television. This coalition gives community-based organizations the charge of programming the community channels which are provided by local cable licensees. Funding is provided through a combination of the monies licensees are mandated to invest in the channel and provincial assistance. Public input is garnered through traditional democratic activity of voting and the

public's participation in the various organizations. While such a model might have benefitted English-speaking Canada, the Task Force's recommendations to give the public this kind of control over programming were not taken up by either Communications Minister McDonald or her successor Communications Minister Masse.

Goldberg (1990) offers the American model of the public access system in Fairfax County, Virginia as another approach to democratic control of public access. She indicates that this systems makes a distinction between locally originated programming (developed by the licensee) and community programming, affords a separate channel for each, and places programming responsibility in the hands of a non-profit organization. As in Quebec, the local cable licensee provides facilities and funding. There is no mention of whether the channel receives additional municipal, state or federal support.

While there are numerous less-democratic arrangements for community television in the United States -- we have encountered one in the case of Seattle -- Goldberg (1990) has chosen one that is particularly participatory. That such arrangements are possible, however, is hopeful. Goldberg's wish to reclaim community television for the Canadian public is noble, crucial and timely; as is Kellner's (1990) for the U.S. However, democratization of the structure at the local level may not be enough to give the public any increase in its power base, its democratic participation in the country or its ability to

challenge the productive and educational power of television. What is "autonomy" and democracy if the public's access and input does not reach beyond the first level of the pervasive hierarchy of community, municipal, provincial/state and federal structures? In order to effect a change in this conception of public access to television, public access will have to undergo ideological as well as structural shifts.

Ultimately, these shifts will require challenging the assumption that public access to television is a local concern which should be undertaken at the local level. This seems to be an unquestionable fact at every level of discussion in both countries -- in policy documents[41], in communications literature and in the opinions expressed by interviewees.[42]

> The community channel has been described as the electronic equivalent to neighbours talking over their backyard fence. The cornerstone of the community channel policy is to ensure the ability of the average citizen to access the television medium (Public Notice 1990-57:14).
>
> People know we are here and they are looking to us very definitely now because broadcast is going through economic problems, or say they are, and can't do the

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[41] Seattle's Master Ordinance does not mention that the public access channel must serve local interests specifically. However, the franchise agreements and Operating Rules and Procedures do make these specifications.

[42] When prompted to comment on the broader-than-local possibilities and arguments for public access television, most interviewees could cite efforts being made in this direction (e.g. Deep Dish TV -- the only public access satellite network in the U.S.; and a Provincial Bicycle system, Provincial Satellite Network through Knowledge network, and work being done on a National Cable satellite Channel in Canada). However, it was clear from comments that these cable systems do not engage in these options on a regular basis. The exception is Viacom in Seattle which does opt to distribute the Deep Dish Television signal.

things they used to do in the community -- they are much more market driven. We are seen now by a lot of people as the only voice they can get to easily and so we are having to juggle a lot of growth pains. I think that's the policy now -- is it something that broadcast isn't doing and is it something that is very important to the neighbourhood (D. Angrave, personal communication, 30 March, 1992).

In consideration of the potential of public access television, it is the intent of these rules to ensure that access be provided to individuals or groups within the community for whom the alternate forms of broadcasting are generally unavailable (1983 Operating Rules and Procedures:1).

Section 611: a) a franchising authority may establish requirements in a franchise with respect to the designation or use of channel capacity for public, educational, or governmental use only to the extent provided in this section (1984 Cable Communications Policy Act).

Alternative voices are usually organized locally because such diversity is transmitted on the level that it occurs (G. Robinson, personal communication, 23 January, 1992).

Even those who are fiercely committed to the ideal of autonomous and democratic public access to television, whether members of government, industry or the public, often cannot see beyond the ideology of access as a local phenomenon. The mere fact that Canada refers to its public access as community access defies any other way of thinking about it. What is it about the public's access to television that requires it be local? Is it true that diversity occurs on the local level alone? How is it that most individuals and/or groups who can buy broadcast time are afforded access to television that is not necessarily limited to local distribution?

In North America, the primary obstruction between local and

broader-than-local television access is purchasing power.[43]   In cases when the structural discrimination of a market system is inoperative, as is the case with public access television on a number of levels, policy provisions entrench its local nature or limit it in other ways.   While the importance of community communication cannot be disputed, that the public has no need for access on a broader-than-local level is not a foregone conclusion.   We have seen the vast number of ways that policy provisions, and the practices they encourage, limit the public's access to television.   However, none of these provisions and practices are as divisive, marginalizing and disempowering as the ideology, embedded in policy and common sense, that the public does not need, or deserve, access to television beyond the local level.

As was argued in Chapter Three, television is a medium with untold democratic, communicative, educative and socializing potential.   Because of its educative and socializing abilities as well as its pervasiveness in society, television is sought out and guarded for the power that it can confer on those who control it.   Such power can be technical, ideological, political, cultural, educational, etc., but, as Kellner (1990) points out, television assists both in the accumulation of power and the legitimation of it.   If the public's access to this

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[43]   Note that AdBusters Media Foundation is currently undertaking a campaign to buy television advertising time for advertisements that denounce television and its role in the development of an ideology of consumption.   The have often been denied advertising time (Matsu, 1991: 52).

medium is limited, its access to power is limited. This was demonstrated in the case of perceived effects of television portrayals of "minorities". The primary power that the public is disallowed by limited access to television is the power to participate in the its productive discourse and thereby participate in the shaping of the public's knowledge, behaviour and environment. On this account, it might be more useful to construe communications policy, or any policy that shapes the process and/or content of productive media such as television, as educational policy.

This thesis has shown how three entities -- the state, the cable/communications industry and the general public -- compete for access to, or control of, television and its productive power. The government's "ideological" control of television through its ability to set policy and regulate its different components and those of the larger communications system, is paramount. Private industries (i.e. cable companies) maintain technical, expert and economic control of television because they own and operate the communications technology. These industries uphold government ideology by complying with, and administering, policy regulations.

The public, which has neither ideological, technical nor economic control of television, does have power in its ability to confer legitimacy on various structures and institutions. The public's power is consumptive -- it is based on the public's willingness to consume either ideology or material goods.

Public consumption of either of these is an indication of its willingness to confer power and legitimacy. Thus, public acceptance of the current television access structure is some indication that it is willing to accept the current power structure. If this were not the case, as in the 1960s and 1970s, the power relations between these three entities would have to be modified.

Though government and the private communications industry, together, work against the public's interest as regards access to television, they do not do this as a united front. Each has interests that it wishes to further -- interests that could be jeopardized by the public's unregulated use of television, and interests that rely on the public's support. It is important that the public's use of television does not undermine government's ideological status and authority. Likewise, it is important that the public's use of television does not challenge the communications industry's monopoly over the physical plant or its ability to generate revenue.

The data in this thesis indicate that both government and the cable industry maintain rhetorical support of public participation through television while, at the same time, limiting that participation, in part, through policy provisions and their implementation. Thus, any potential democratic and/or educational impact that the public might have as a result of increased access to television discourses, including the potential to impede government or industry interests, has been

severely limited. While there are real differences in the way that these limits are imposed in each country, the effect is the same -- members of society with money and power can achieve excellent access to television production and programming and, often, the broad reach of broadcast television. Members of the general public cannot achieve this access.

This thesis has made evident what kinds of access the publics of Canada and the United States have been provided through policy, the ways in which this access has also been limited, and some of the differences between the countries in the way their access to television is limited. It seems that the public's access will remain marginalized in both countries until there is some movement to change the governing policies. Even if policy changes result in increased public participation in television there is no guarantee that the current elitism of television production and programming will inevitably become more inclusive.

It has been demonstrated that the public's access to television is largely dependent upon its provision through policy. Yet, in order for the provisions to be made, both communications policy-makers and the public must believe, on some level, that the public should have access (Lindblom & Cohen, 1979). To do this, these entities must be able to see beyond the traditional conceptions of structures and relations in order to create new ones (Magnussen & Walker, 1988). Unfortunately, the basic democratic tenets on which Canada and

the United States, and those which are most often invoked in the quest for more inclusive social change, are conflicted. Rhetorically, Canada and the United States value the ideals of public participation and civic democracy but, in practice, they operate on civil democratic premises where the state acts as patron. Because of ideological conflict, the public roles that comprise each nation are unclear -- are people to expect, and act in, a civic or civil democratic structure? As we have seen, policies which sustain the former do not necessarily bring about those results.

At a documentary level, policy rhetoric of participation is barbed by a less clearly articulated, but no less important, sub-text of subordination and domination. Thus, policies which promote the democratic, educational, and equitable aspirations of the broadcast system -- through official discourse that is adequately broad and vague as befits policy -- use language that addresses the communications industry; not the public. Even though the official discourse is one of inclusion, the sub-text is one of exclusion.

If the public were given unlimited access to television -- satellite, broadcast, and cable technologies -- the sheer ubiquity of public voice (which likely would espouse values different from government or the communications industry) would present a threat to the existing communications, social and political order and its utility as a productive, educative medium. Although hegemony is not automatically ceded to numeric

majorities, the pervasiveness or repetition of a position through discourse can confer a certain amount of legitimacy upon it (Foucault, 1980; Barthes, 1977; van Dijk, 1987a). Thus current policies not only limit the public's ability to challenge the state's authority through the discourse of television, but they tend to reproduce traditional ideologies, structures and relations. As we have seen, the limits are subtle but effective: the public accepts an ideology of access to television although its power and agency is constrained both by the control of private industry as well as by being afforded only local access. This has particular salience for "minorities" whose experience with television is largely negative.

Many opportunities for further inquiry have been indicated throughout the body of this research.[44] It is quite evident that the public's access to television production and programming, input, distribution and viewing is limited significantly but why and how this has come about is of utmost importance in developing strategies for a more positive, participatory society. This thesis has attempted to expose some of the factors which underlie these effects.

It is difficult to say whether limits in production access and content, as in the case of Canada, or limits in

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[44] i.e. inquiry into the uses and "effects" of public access television; inquiry into whether the potential limitations suggested in this thesis are, in fact, limiting, inquiry into whether the public input avenues provided are effective and adequate; inquiry into new communications structures; etc.

distribution, reach and viewing access, as in the United States, or limited access to the policy process, as is the case in both countries, are more divisive to the public's ability to achieve democratic participation in society through the medium of television. Lack of access, in all of the senses described here, results in the public's diminished ability to participate in the national television discourse and to challenge the productive power of television.

> So what is the value of this kind of analysis? Where does one go from here? There is no simple answer. Communications policy, however confused, is still a patterned confusion, shaped by structures of history and contemporary social life, particularly those associated with Liberalism. The contradictions of communications policy exemplify the tensions within our most fundamental beliefs and ways of acting, tensions revealed in the way we use terms like 'individuals', 'groups', 'freedom', and 'constraint'. No new law, policy, or bureaucratic structure can make those tensions disappear overnight. The hope for an administrative quick fix, for a clever regulatory strategem or legal manoeuvre that will resolve those tensions, is itself a problematic expression of the same Liberal conceptual system that created the tensions in the first place...the value of this work goes beyond academic understanding. By lifting the broad outlines of communications policy out of the taken-for-granted background and holding them up for analysis and questioning, we reveal those outlines to be not simply 'the way things are', not an objective necessity, but a product of the human imagination, a kind of social philosophy in practice. And the fact that our system of broadcast policy is something imagined raises the clear possibility -- however remote such a possibility may seem at this moment in history -- of imagining it, and thus constructing it, otherwise (Streeter, 1989:60-61).

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