

## DOES LOCAL NEWS MEASURE UP?\*

Erika Franklin Fowler

Kenneth M. Goldstein

Matthew Hale

Martin Kaplan

### INTRODUCTION

Many Americans get information from the national broadcast or cable news networks (ABC, CBS, NBC, Fox, and CNN), while others rely on newspapers. But, for most of their news, whether concerning domestic political issues, health, or events in other countries, most Americans depend upon local television news broadcasts. Even with the rise of cable news channels, even with the increasing use of the internet for information, even with relatively large audiences that network news broadcasts still attract, even with the greater depth and analysis in print journalism,<sup>1</sup> local broadcast television stations in the United States' 210 media markets are the places from which most Americans get most of their news.

According to recent surveys from the Pew Research Center for the People and the Press, 59% of Americans report watching local news regularly, a substantially higher percentage than any other news source.<sup>2</sup> And according to another Pew survey, more than three-quarters (76%) of Americans report obtaining most of their *election* information from television compared to under a third (28%) who use newspapers and an even smaller number who use radio (15%), internet (10%), magazines (2%) and other news sources (3%). Of those who use TV as their primary source, more people report getting their news from local broadcasts than from any of the networks or cable channels.<sup>3</sup>

---

\* We would like to thank Pew Charitable Trusts for support in 2002 and the Joyce Foundation and Haas Charitable Trust for support in 2004.

1. THE PROJECT FOR EXCELLENCE IN JOURNALISM, STATE OF THE NEWS MEDIA 2006 REPORT (2006), <http://stateofthenewsmedia.org/2006/>.

2. PEW CENTER FOR THE PEOPLE & THE PRESS, NEWS AUDIENCES INCREASINGLY POLITICIZED: ONLINE NEWS AUDIENCE LARGER, MORE DIVERSE 5 (2004), <http://people-press.org/reports/pdf/215.pdf>.

3. PEW CENTER FOR THE PEOPLE & THE PRESS, VOTERS IMPRESSED WITH CAMPAIGN:

Furthermore, people who use local news as their primary source of campaign information more closely reflect the nation's divided electorate than people who look to other news sources. Whereas almost three-quarters (70%) of the respondents who rely on Fox Network News indicated a preference for George Bush in 2004, and two in three (67%) of the respondents who rely on CNN indicated a preference for John Kerry, among those who rely on local news, the distribution of partisanship looks more like the nation's voting population with candidate preference roughly evenly divided, with 42% preferring George Bush and 46% preferring John Kerry.<sup>4</sup> In other words, local news is not only a source for intense partisans, but for a large swath of people that resemble the electorate as a whole.

What then is the nature of local news coverage? How much local news coverage of politics is there? Does it provide citizens with useful information? Is there any partisan bias in how local news covers politics? Because of the importance of local news as an information source,<sup>5</sup> answering these questions—gauging the content, quantity, and quality of local television news coverage of elections—is crucial. In addition, understanding how and if local television news covers *local* political issues and contests is particularly important given that providing a reasonable degree of locally focused coverage is a central tenet of the Federal Communications Commission's (FCC) station licensing process.<sup>6</sup> This localism requirement is perhaps the most concrete example of the difficulties FCC regulators face as they attempt to ensure that stations meet the so-called public interest obligation found in the original 1934 Communications Act<sup>7</sup> and reaffirmed in the 1996 Telecommunications Act<sup>8</sup>. Therefore, understanding and cataloguing what is aired on local news is crucial for public policy makers debating regulations on local news, for station owners, for journalists, as well as for social scientists trying to build measures of exposure and gauge the effects of this important source of political information.

There are archives of many newspapers going back over a hundred years, and there is an archive of national network news broadcasts at Vanderbilt

---

BUT NEWS COVERAGE GETS LUKEWARM RATINGS 5 (2004), <http://people-press.org/reports/pdf/230.pdf>; see also BOB PAPPER, THE RADIO TELEVISION NEWS DIR. FOUND., THE FUTURE OF NEWS (2006), available at <http://www.rtna.org/resources/future/index.shtml>; Lydia Saad, *Local TV is No. 1 Source of News for Americans: Network and Cable News Viewership Down*, THE GALLUP POLL, Jan. 5, 2007, <http://www.galluppoll.com/content/?ci=26053>.

4. PEW CENTER FOR THE PEOPLE & THE PRESS, *supra* note 3, at 4.

5. Saad, *supra* note 3.

6. Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 18 F.C.C.R. 13620 (July 2, 2003), *aff'd in part*, 373 F.3d 372 (3d Cir. 2004), *remanded to* 21 F.C.C.R. 8834 (July 24, 2006) [hereinafter FCC Ownership Rules Order].

7. Pub. L. No. 416, 48 Stat. 1064 (codified at 47 U.S.C. §§ 151-615).

8. Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C.).

University<sup>9</sup>. Remarkably, until recently, although there had been scattered case studies of local news broadcasts in particular markets for short periods of time, there had been no systematic national collection or archive of local television news broadcasts. This manuscript reports on the findings from an extensive systematic study of local news content during the 2002 and 2004 elections.

Specifically, we report information from a new project, a collaboration of the USC Annenberg School's Norman Lear Center and the University of Wisconsin NewsLab. The University of Wisconsin-Madison tracked the volume and content of local news during the 2002 mid-term and the 2004 presidential campaign. This data set is the most comprehensive and systematic collection of campaign news coverage on local television stations ever gathered, and it has been cited in numerous policy initiatives seeking to change the lackadaisical federal renewal of station licensing.<sup>10</sup>

### I. TRACKING LOCAL NEWS COVERAGE

Over the 2002 and 2004 election cycles, we tracked local news coverage of election campaigns in two distinct ways designed to yield as much information as possible concerning the way in which local news stations across the country cover elections. In 2002, we drew a random sample of 122 stations in the nation's largest fifty media markets<sup>11</sup> and examined each station's highest rated early-evening and late-evening newscasts from September 18 to the eve of the election, November 4.<sup>12</sup> For a detailed methodology of the 2002 election study, see Appendix.

In 2004, we monitored forty-four stations (the top four local affiliates—ABC, CBS, Fox, and NBC) in eleven markets<sup>13</sup> for six and a half hours (5pm to 11:30pm)<sup>14</sup> of programming a day during the month preceding the election.<sup>15</sup>

---

9. See Vanderbuild Television News Archive, <http://tvnews.vanderbilt.edu> (last visited Mar. 25, 2007).

10. On February 15, 2004, Senator John McCain introduced the "Localism in Broadcasting Reform Act of 2005," seeking to reduce the license term for broadcasters from eight to three years and to require the FCC to review a subset of license renewal applications. See S. 383, 109th Cong. (2005).

11. The largest fifty media markets cover 67% of all the TV households in the nation. See Northwestern University Media Management Center, Media Info Center, tbl. Top 50 TV Markets Ranked by Households, 2004, <http://www.mediainfocenter.org/compare/top50/>.

12. September 18 is the day after the two final primaries; therefore, all coverage is general election news.

13. These 11 markets cover 23% of the nation's viewers according to Nielsen Media Research. See Northwestern University Media Management Center, *supra* note 11.

14. These six and a half hours during the 30 days preceding the election were recommended by the Advisory Commission on Public Interest Obligations of Broadcasters in the Digital Age (otherwise known as the Gore Commission) as the daypart and weeks during which broadcasters wanted their voluntary efforts in meeting public interest obligations measured. For background information on the Gore Commission, see Public Interest Advisory Committee Homepage,

Whereas the 2002 study looked to provide information on the content of local television news from the nation's largest media markets, the 2004 study sought to answer complaints of the broadcasters that the 2002 study had "missed" election programming that aired outside of the top-rated evening newscasts. Overall, the 2002 study examined and analyzed 8372 news broadcasts, almost 5000 hours of local news programming, and the 2004 study analyzed over 8000 hours of programming and a total of 4082 news broadcasts that aired.<sup>16</sup>

## II. THE PUBLIC INTEREST OBLIGATION

Since the Radio Act of 1927 and the Communications Act of 1934 declared that stations that broadcast on the public's electromagnetic spectrum must fulfill the "public interest, convenience and necessity," broadcasters have been considered by the courts to be trustees of the public interest.<sup>17</sup> Broadcasters have repeatedly challenged the public interest obligation on First Amendment grounds,<sup>18</sup> and as unfairly restricting commerce.<sup>19</sup> In response to these cases, the courts have repeatedly found that because the broadcast spectrum is a scarce and public resource, Congress, and by extension the FCC, has the right to require broadcasters to serve some often unclearly defined public interest function. In the 1996 Telecommunications Act, Congress clearly reaffirmed the general public interest obligation of broadcasters, saying that nothing in the act "shall be construed as relieving a television broadcasting station from its obligation to serve the public interest, convenience, and necessity. . . . [T]he television licensee shall establish that all of its program services on the existing or advanced television spectrum are in the public interest."<sup>20</sup>

Faced with these decisions and with the clear stance of the 1996

---

<http://www.ntia.doc.gov/pubintadvcom/pubint.htm>.

15. Monitoring took place from October 4, 2004, through November 1, 2004.

16. For data from the 2004 project and a methodological description, see MARTIN KAPLAN, KEN GOLDSTEIN & MATTHEW HALE, LEAR CENTER LOCAL NEWS ARCHIVE, LOCAL NEWS COVERAGE OF THE 2004 CAMPAIGNS: AN ANALYSIS OF NIGHTLY BROADCASTS IN 11 MARKETS (2005), available at <http://www.localnewsarchive.org/pdf/LCLNAFinal2004.pdf>. For data from the 2002 project and a methodological description, see LEAR CENTER LOCAL NEWS ARCHIVE, LOCAL TV NEWS COVERAGE OF THE 2002 GENERAL ELECTION (2003), available at <http://www.localnewsarchive.org/pdf/LocalTV2002.pdf>. The complete video collection of news stories from the 2004 election are available online at [www.localnewsarchive.org](http://www.localnewsarchive.org).

17. Radio Act of 1927, 47 U.S.C. §§ 81-83, repealed by Communications Act of 1934, 47 U.S.C. §§ 151-615.

18. See, e.g., *Reno v. ACLU*, 520 U.S. 1113 (1997); *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 638 (1994); *Columbia Broad. Sys., Inc. v. Democratic Nat'l Comm.*, 412 U.S. 94, 117-118 (1973); *Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 390 (1969).

19. See, e.g., *FCC v. League of Woman Voters of Cal.*, 468 U.S. 364, 376 (1984); *Nat'l Broad. Co. v. United States*, 319 U.S. 190, 227 (1943); *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 474 (1939).

20. 47 U.S.C. § 336(d) (2007).

Telecommunications Act concerning the public interest obligation, broadcasters have begun attacking the scarcity rationale itself. Their most recent efforts came in a 2005 appeal to the Supreme Court by The Tribune Company, Fox, NBC University, Viacom, the National Association of Broadcasters, and the Newspaper Association of America of the Third Circuit's *Prometheus* decision.<sup>21</sup> The Court declined to consider this appeal.

While the courts and Congress clearly have upheld the importance and validity of the public interest obligation, it is important to recognize that it is the regulatory process of the FCC that has actually shaped how the public interest obligation is defined and implemented. According to a National Telecommunication Infrastructure Administration paper:

It is through the regulatory actions of the Commission, an independent federal agency, that the details of television public interest obligations have taken shape. While the Commission's public interest rules for broadcasters have from time to time been litigated in the courts or been given more definite direction and definition through statutory measures, the Commission by and large has had ample leeway to determine the parameters of the public interest obligations for commercial and non-commercial broadcasters. The Court has observed that the public interest standard is a "supple instrument for the exercise of discretion by the expert body which Congress has charged to carry out its legislative policy."<sup>22</sup>

The primary mechanism available to the FCC as it attempts both to define and implement the public interest obligation is its licensing requirements and ownership rules. These requirements and rules rest on three central FCC goals: competition, diversity and localism.<sup>23</sup> So, in essence, the FCC argues that it is protecting, and that broadcasters are meeting, the public interest obligation if local media markets are competitive, if there is a diverse range of content or voices provided, and if stations within each market provide significant local content. Obviously, like the public interest obligation itself, the three goals that the FCC currently uses to define it are open to ongoing interpretations by the courts, Congress, the FCC itself, and, of course, the public.

Many media advocates argue that the willingness and ability of the FCC to carry out this regulatory function has eroded in recent years in the face of broadcast industry pressure.<sup>24</sup> In fact, there is clear evidence that FCC licensing requirements have become less rigorous. For example, from 1963 through

---

21. *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004).

22. NAT'L TELECOMM. AND INFO. ADMIN., U.S. DEP'T OF COMMERCE, A PRIMER ON THE PUBLIC INTEREST OBLIGATIONS OF TELEVISION BROADCASTERS (1997), <http://www.ntia.doc.gov/pubintadvcom/octmtg/PI-COVR2.htm>.

23. See FCC Ownership Rules Order, *supra* note 6.

24. See Benton Foundation, Public Interest Obligations, <http://www.benton.org/?q=issues/obligations> (last visited Mar. 25, 2007); Common Cause, Broadcasters' Public Interest Obligations, <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=192076> (last visited Mar. 25, 2007).

1984, the FCC maintained a "processing guideline" under which renewal applicants set forth their performance documented in logs for a "composite week." They provided the amount of news, public affairs and other "non-entertainment programming exclusive of sports" during overnight, daytime, and prime time periods. They also provided the number of public service announcements carried in that week.<sup>25</sup>

After a round of court appeals, we wound up with the current requirement:

For commercial TV and Class A TV broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter. . . . The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated. The lists described in this paragraph shall be retained in the public inspection file until final action has been taken on the station's next license renewal application.<sup>26</sup>

Note that there is no requirement to indicate the length of the segment that treated the issue or the audience share that the program reached. No transcript or tape of the segment must be kept, and there is neither a requirement to put these logs online nor a need to retain the lists after a license is renewed.

It is, of course, possible to argue that the type of documentation required prior to 1984 is no longer necessary because with technological advances in recording technology it is perhaps *theoretically* possible for the FCC or perhaps Congress to effectively monitor station compliance or that stations themselves have voluntarily decided to comply. On the first point, the fact that until this study, neither academics, the FCC, nor Congress have actually captured and analyzed large quantities of local news content shows that, despite technological advances, capturing local news content is a daunting prospect. On the second point, even when broadcasters have committed themselves to voluntary standards of public interest obligations, as they did in promising five minutes per night of "candidate-centered discourse"<sup>27</sup> during the thirty days

---

25. For an overview of the early FCC licensing processes and requirements see National Telecommunications and Information Administration, The Public Interest Standard in Television Broadcasting, <http://www.ntia.doc.gov/pubintadvcom/novmtg/pubint.htm> (last visited March 28, 2007). For the specific regulatory guidelines see Amendments to Delegations of Authority, 59 F.C.C.2d 491, 493 (1976). For the repeal of these guidelines see TV Program Deregulation, 98 F.C.C.2d 1076 (1984), *recon. denied*, 104 F.C.C.2d 358 (1986).

26. 47 C.F.R. § 73.3526 (2007).

27. The term "candidate centered discourse," like the term "public interest obligation," is somewhat ill-defined. In essence, it is an attempt to encourage broadcasters to show candidates speaking in their own words, which advocates argue provides viewers unmediated access to and information about candidates.

before elections in the Gore Commission report of 1998<sup>28</sup>, they provided no mechanism or opportunity for regulators or public interest advocates to determine whether they fulfilled those obligations.

While we will leave this debate to the political arena, it is worth noting that the inability of the FCC to adequately and accurately monitor local news programming has been noted in recent Third Circuit rulings on cross ownership. For example, in the *Prometheus* decision the court harshly critiqued the methodology and research used by the FCC to modify cross-ownership rules.<sup>29</sup> According to Mark Cooper, one of the primary methodological faults cited by the courts was in the survey used to determine media usage.<sup>30</sup> In this survey, the FCC combined national (i.e. network) news and local news into the same survey question.<sup>31</sup> This made it impossible for the FCC to distinguish the importance of local news from network news. This, in part, led the FCC to give all media outlets in a single market equal weight when determining ownership diversity within a market. The Third Circuit Court of Appeals said of this rationale:

[T]here is no dispute that the assignment of equal market shares generates absurd results. . . . A Diversity Index that requires us to accept that a community college television station makes a greater contribution to viewpoint diversity than a conglomerate that includes the third-largest newspaper in America also requires us to abandon both logic and reality.<sup>32</sup>

The practical result of these court decisions is that the FCC has been instructed to measure more accurately the importance and content of local news programming before changes in ownership limits can be made. Even the FCC readily admits that this poses a methodological hurdle: “Unfortunately, we do not have the data on this question specifically with regard to local news and current affairs.”<sup>33</sup> As should be obvious, one reason the FCC does not have data on local news content is that until now it has not been possible to collect the local data necessary to make regulations about the public interest obligation broadly or about localism, diversity or competition specifically, that are capable of surviving judicial scrutiny. It is our hope that the results presented below in some small way provide some of this missing data.

---

28. See ADVISORY COMM. ON PUBLIC INTEREST OBLIGATIONS OF DIGITAL TELEVISION BROADCASTERS, CHARTING THE DIGITAL BROADCASTING FUTURE: FINAL REPORT, app. A (1998), <http://www.ntia.doc.gov/pubintadvcom/piacreport.pdf>.

29. *Prometheus Radio Project v. FCC*, 373 F.3d 372, 402-12 (3d Cir. 2004); see also *Sinclair Broad., Inc. v. FCC*, 284 F.3d 148 (D.C. Cir. 2002).

30. Mark Cooper, When Law and Science Go Hand in Glove, Paper presented at the Telecommunications Research Conference 10 (Oct. 3, 2004), available at <http://www.fordham.edu/images/Undergraduate/communications/Cooper%20Paper.pdf>

31. *Id.*

32. *Prometheus*, 373 F.3d at 408.

33. FCC Ownership Rules Order, *supra* note 6, at ¶411.

## III. FINDINGS FOR LOCAL TELEVISION NEWS

## A. VOLUME OF NEWS COVERAGE

On the 8372 sample broadcasts tracked over the course of the 2002 mid-term election, a total of 7459 campaign stories aired. Just over half (53%<sup>34</sup>) of the local news broadcasts aired during the 2002 election in the country's fifty largest markets contained a campaign news story. The proportion of broadcasts containing at least one election story varied significantly by station, from 15% of broadcasts to 89% of broadcasts. On average, each station aired at least one election story on 54% of all broadcasts.

Of the broadcasts that included campaign stories, the average length of a campaign story was just under a minute and a half (eighty seconds), with early-evening broadcasts airing slightly longer stories (an average of eighty-six seconds) and late-evening broadcasts airing slightly shorter stories (an average of seventy-four seconds).<sup>35</sup> On average, stations aired less than one campaign story per broadcast, and the total number of campaign stories aired per station during the period analyzed ranged from just twelve stories to 158 stories.

As noted above, one measure of the quality of election coverage and, by extension, a measure of how well stations are meeting their public interest obligation is the extent to which candidates are shown speaking in their own words.<sup>36</sup> Of the 7459 campaign stories analyzed, fewer than three in ten (28%) showed a candidate speaking. The length of a candidate sound bite on a regular news story ranged from a low of one second to nearly five minutes long, with an average length of twelve seconds. Table 1 contains the station level results from 2002.

---

34. If we include all scheduled broadcast recording times for which UW NewsLab has video data (including cases where broadcasts were pre-empted by sportscasts), fewer than half (47%) of all scheduled broadcasts contained a story, and if we include all 10,795 scheduled recording times for which UW NewsLab has data, only 44% of broadcasts had at least one story.

35. Early-evening broadcasts air from 4:00 to 7:30 p.m. and late-evening broadcasts air from 9:00 to 11:30 p.m.

36. See ADVISORY COMM. ON PUBLIC INTEREST OBLIGATIONS, *supra* note 28.

2007]

## DOES LOCAL NEWS MEASURE UP?

418

TABLE 1. 2002 Station Performance Ranges (Entire Sample)

Measure	Low Station	Station Bottom 10%	Station Average	Station Top 10%	High Station
# of Campaign Stories	12	≤ 27	61	≥ 105	158
Measure	Low Station	Station Bottom 10%	Station Average	Station Top 10%	High Station
% of Time Devoted to Campaign Coverage	0.8%	≤ 1.6%	4.4%	≥ 8.2%	10.4%
% of News Broadcasts with ≥ 1 Campaign Story	15%	≤ 31%	54%	≥ 77%	89%
% Issue/Adwatch Stories	0%	≤ 13%	27%	≥ 42%	75%
Average Candidate Sound Bite Length <sup>37</sup>	4 sec	≤ 7 sec	12 sec	≥ 19 sec	96 sec
Average Campaign Story Length	16 sec	≤ 29 sec	80 sec	≥ 146 sec	189 sec
% of Stories Focused on Local Elections	0%	≤ 1%	17%	≥ 35%	70%

On the 4082 broadcasts analyzed for the 2004 study, a total of 6992 campaign stories aired. Roughly two-thirds (62%<sup>38</sup>) of these broadcasts contained at least one election story, which was a substantial increase over 2002 coverage; however, most of this increase was due to a focus on the presidential race at the expense of local coverage. Stories about the presidential race dominated coverage, accounting for almost two-thirds (61%) of all stories. In contrast, just 4% of the election stories focused on U.S. House races. It is of course important to reiterate that a central tenet in FCC station licensing is that local television stations provide local content.<sup>39</sup> In terms of election coverage, local content is coverage of local races. So while it is possible to argue that in 2004 the stations did a better job of meeting their public interest obligation in terms of the total quantity of election coverage, it is also clear they did a far

37. These figures are calculated including two stations that aired three town hall meeting programs during their most popular news programs. Excluding these two stations lowers the average station sound bite length to 11 seconds, reduces the average for the top 10% of stations to 16 seconds or greater and decreases the high station average to 36 seconds.

38. The 62% is calculated by comparing the late-evening broadcasts from 2002 and 2004 (since the two studies examined an unequal number of early-evening broadcasts).

39. See FCC Ownership Rules Order, *supra* note 6.

worse job on another aspect of the public interest obligation, namely, coverage of local issues important to local communities.

While the average length of a campaign story was slightly longer in 2004 (an average of eighty-six seconds per story), both the percentage of stories with candidate sound bites (28%) and the average length of a candidate sound bite (twelve seconds) were consistent with the 2002 findings.

In 2004, we coded and segmented the entire news broadcast (rather than simply cutting out political content). This allowed us to compare the percentage of election content to other topics on both local and national outlets. Table 2 contains the typical breakdown of a half-hour segment of news.

TABLE 2. Time in Typical Half-Hour News Broadcast

Advertising	8 minutes, 51 seconds
Sports/Weather	6 minutes, 21 seconds
Crime/Injury	3 minutes, 29 seconds
Presidential Election Coverage	1 minute, 58 seconds
Local Interest	1 minute, 56 seconds
Teaser/Intro/Intro Music	1 minute, 43 seconds
Health	1 minute, 22 seconds
Other Election Coverage	1 minute, 13 seconds
Business/Economy	0 minutes, 47 seconds
Political/Government (non-election)	0 minutes, 28 seconds
Iraq	0 minutes, 25 seconds
Foreign Policy/World Affairs	0 minutes, 13 seconds
Other	1 minute, 12 seconds

Next to sports, weather and advertising, sensational coverage of crime and unintentional injury make up the next largest portion of local broadcasts with three minutes and twenty-nine seconds.

A typical half-hour of local news contained three minutes and eleven seconds of total campaign coverage; however, almost two full minutes were devoted to the presidential race, while another forty-four seconds were devoted to non-race related stories (voting issues, ballot initiatives, and bond issues), which left fewer than thirty seconds for coverage of all other races (including local, state, and federal offices). In other words, information about candidates other than the president was extremely scarce.

#### B. TYPE OF RACE

Overall, coverage of gubernatorial races dominated the airwaves in 2002 (38% of all campaign stories and 42% of all airtime devoted to elections). By contrast, U.S. Senate coverage was far less prominent (20% of stories, 19% of

airtime), and fewer than one in ten stories were about candidates for the U.S. House of Representatives (7% of stories and 8% of airtime).

In 2004, stories about the presidential race were the predominant focus of local broadcast news election coverage. Over half (58%) of all broadcasts contained at least one presidential story, and such stories made up almost two-thirds (61%) of all election coverage. The forty-four stations in the study devoted four-and-a-half times the number of stories to the presidential race as compared with all other local races combined. The only market where presidential stories composed less than 50% of all stories was Denver (45%). Three markets—New York, Los Angeles, and Philadelphia—devoted over 70% of their coverage to the presidential race.

TABLE 3. 2002 Percentage of Election Coverage by Office

	All Stories	Markets w/ Toss-Up House Race(s)
Governor	38.2	37.4
Senate	20.2	22.4
House	7.2	9.7
Voting Issues	10.8	8.8
Bond/Initiatives	5.6	2.7
Other	17.9	18.9
Number of Stories	7459	2611

TABLE 4. 2004 Percentage of Election Coverage by Office

	All Stories	Markets w/ Toss-Up House Race(s)
Presidential	60.7	52.6
Senate	3.6	4.5
House	3.6	6.6
Voting Issues	18.7	17.7
Bond/Initiatives	4.5	6.4
Other	8.9	12.3
Number of Stories	6992	1999

Although ten of the eleven markets captured in our 2004 study had a race for the Senate, only 6% of broadcasts had a story about that race, and overall these stories accounted for only 4% of total election coverage. In Los Angeles, the local news on all networks devoted less time to the Senate race in a month than they collectively gave to teasers and music in a single night. The skew in

coverage improved slightly in markets with competitive Senate races. In Denver, for example, slightly more than one out of every ten broadcasts (12%) contained a story about Colorado's tightly contested open-seat race. Even with increased election coverage, however, local television news stations in Denver devoted roughly six times more coverage to crime, and twice as much time to accidental injuries, than to coverage of the Senate race.

In 2004, the stations devoted significantly less time to coverage of local races. Just 9% of all broadcasts captured contained a story about a local election, which included campaigns for the U.S. House, state senate or assembly, mayor or city council seat, judgeship, law enforcement posts, education-related offices, and regional and county offices. Of these 416 local election stories, 60% focused on races for the House. Despite the fact that House races composed the largest contingent of local race stories, the gap between House stories and presidential stories is astounding in many markets. Not one story about a race for the House appeared on local television news in Los Angeles during the study period. In Dayton, Ohio, presidential stories outnumbered stories about House races thirty four-to-one; in Philadelphia, thirty three-to-one. The most coverage of House races in the markets studied was provided by Dallas stations, where there were several redistricted and competitive seats; even there, presidential stories outnumbered stories about House races by six-to-one.

Importantly, however, there was a notable difference between the stations in the 2004 sample that took a public pledge to provide free air time, and those that did not: the twenty stations that pledged to provide free air time to candidates aired almost twice the amount of local political coverage compared with the twenty-four stations that did not take the pledge.

Clearly, broadcasters and others can easily develop rationalizations for the lack of local election coverage outlined above. However, it is important to remember that possible rationalizations—like market size, number of local races (e.g., Los Angeles), presence of a highly competitive presidential race (e.g., Ohio), or even a local broadcaster's choice to focus on local crime instead of local elections (e.g. Denver)—do not excuse broadcasters from their public interest obligations, which, as we have repeatedly argued, is to provide viewers with local public affairs content.

### C. FOCUS OF NEWS COVERAGE

Scholars and media critics alike have bemoaned the news media's focus on campaign strategy and the horserace at the expense of more detailed coverage of candidates' positions on issues and policy proposals.<sup>40</sup> The primary

---

40. See LARRY M. BARTELS, *PRESIDENTIAL PRIMARIES AND THE DYNAMICS OF PUBLIC CHOICE* (1988); DORIS A. GRABER, *MASS MEDIA AND AMERICAN POLITICS* (1997); THOMAS E. PATTERSON, *OUT OF ORDER* (1993).

argument in favor of more issue-based coverage is, of course, that it presumably leads to more rational voting behavior or at least helps voters more accurately align their own interests to candidates of similar persuasions. This is not to say that coverage of scandals, poll numbers, or the machinations of campaigns serves no public interest, but simply that coverage of issues is a qualitative improvement in the information voters receive and hence is more beneficial to the public interest.

Coverage of the 2002 and 2004 campaigns lends support to the critics. In 2002, coverage of the strategic or horserace aspects of the campaign was nearly twice that of substantive issues coverage. Almost half (48%) of the election stories aired in the top fifty markets in 2002 focused on campaign strategy or horserace coverage (i.e., who is winning and losing). In contrast, fewer than one in four (24%) focused on substantive campaign issues, and only 3% were adwatch<sup>41</sup> stories. Six percent of stories focused on the personal characteristics of the candidate. The remaining 19% of the stories focused on other aspects of the campaign, such as the registration process or early voting issues. Unlike strategy and horserace stories which clearly have dubious value to voters, it is possible that many of the stories in this “other” category do serve some valid civic purpose.

In 2004, strategy and horserace coverage composed nearly half (44%) of all election stories; the percentage of issue coverage increased during the presidential election, however, with almost a third (32%) of campaign stories overall. Adwatch coverage was nearly non-existent in 2004, constituting less than 1% of the total.

Data from 2002 and 2004 also reveal interesting differences in the type of coverage devoted to local races compared to that for executive offices. In particular, local race coverage appears to be more substantive in terms of focusing on issues and focusing on the candidates. For example, in 2002, although coverage of U.S. House candidates was rare, when they were covered, the focus of the story was almost as likely to be about issues as about the “game” aspect of the campaign.

In 2004, stories about local races were on average longer and more likely to focus on campaign issues than stories about the presidential race. In addition, the average length of a local candidate sound bite was roughly twenty-two seconds, while the average length of a presidential candidate sound bite was roughly ten seconds. In essence, the results suggest that the quantitative dominance of the stories about the executive (whether gubernatorial or presidential) may obscure the fact that coverage of local races is qualitatively superior. Moreover, increasing the amount of locally-focused coverage on national airwaves may actually serve to increase the quality of election

---

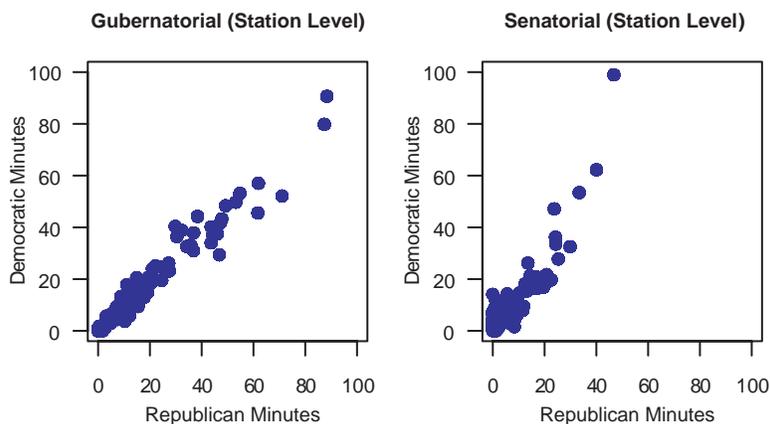
41. Adwatch stories are those in which the station reporter or another third party assesses the validity of candidate claims (generally those that appear in political advertisements but also potentially including statements in speeches or debates) as truthful, misleading, or completely false.

information.

#### D. PARTISAN BALANCE OF INFORMATION FLOWS

Predictably, in virtually every election liberals criticize the media for being too conservative and conservatives criticize the media for being too liberal. Scholars have also criticized the media, sometimes for leaning left,<sup>42</sup> and sometimes for leaning right.<sup>43</sup> Analyzing our large and representative sample from 2002, we found little evidence supporting either claim.<sup>44</sup> Local news coverage in the nation's largest media markets was fairly balanced in terms of overall time devoted to opposing partisans in both gubernatorial and senatorial races. In Figure 1 below, each dot represents an individual station and graphs the total number of minutes devoted to Democratic and Republican candidates. With few exceptions, the amount of time given to each candidate was quite similar.

FIGURE 1. Overall Partisan Balance of Gubernatorial and Senatorial Coverage (by Station)



Although the overall station balance of coverage between partisan opponents was equal, there were instances at the story level when some

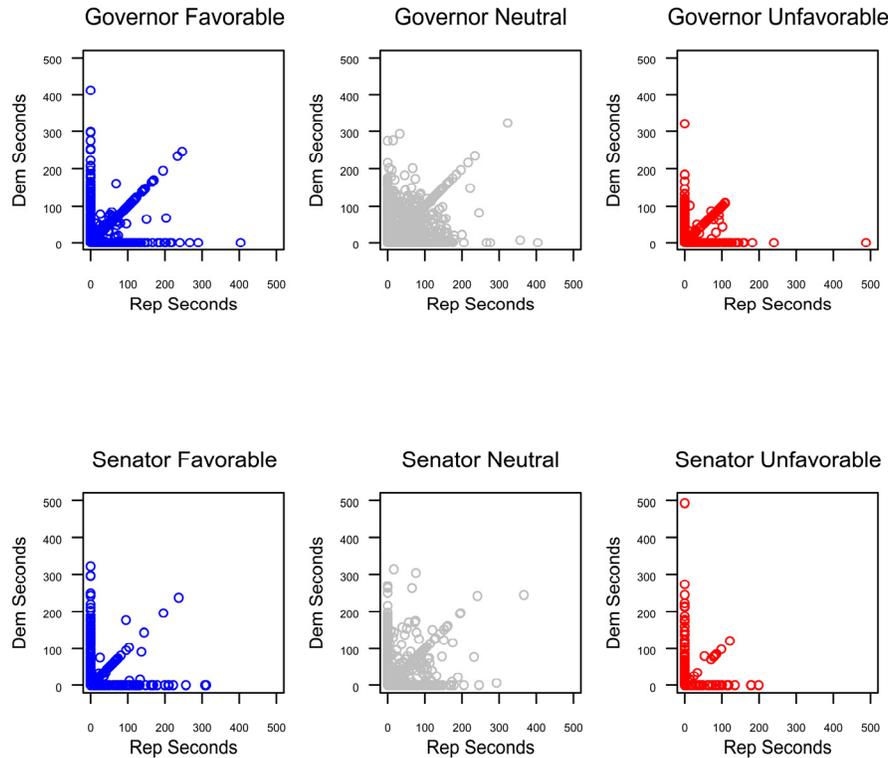
42. ROBERT S. LICHTER ET AL., *THE MEDIA ELITE* (1986).

43. LANCE W. BENNETT, *NEWS: THE POLITICS OF ILLUSION* (1986); BENJAMIN GINSBERG, *THE CAPTIVE PUBLIC: HOW MASS OPINION PROMOTES STATE POWER* (1986).

44. For this portion of the analysis, we use data from 2002 only; unlike the 2004 study, the 2002 sample is a representative sample of stations in the top fifty media markets.



FIGURE 3. Partisan Balance of Gubernatorial and Senatorial Coverage (by Story)



#### IV. POLITICAL PROGRAMMING OUTSIDE OF THE NEWS BLOCKS

Local news stations not only have the opportunity to cover the substance during their newscasts, but they can provide time for debates and produce extra coverage of the campaigns. In fact, one of the criticisms of our study in 2002 was that we only covered news and did not capture any of the election coverage that supposedly occurred outside of the top rated early and late evening broadcasts.<sup>46</sup> Accordingly, in 2004, we monitored all programming between the

46. See Press Release, Nat'l Ass'n of Broadcasters, NAB Response to Lear Center Research (Feb. 15, 2005), available at <http://www.nab.org/AM/Template.cfm?Section=Search&template=/CM/HTMLDisplay.cfm&ContentID=5180>. See also, Press Release, Nat'l Ass'n of Broadcasters, NAB Blasts Second UW-Madison Newslab Election Coverage "Study" (Nov. 11, 2006), available at <http://www.nab.org/AM/Template.cfm?Section=Search&template=/CM/HTMLDisplay.cfm&ContentID=7314>.

hours of 5:00 p.m. and 11:30 p.m. looking for any sort of election-related coverage such as debates, debate preview shows, debate wrap-up shows, town hall meetings and any free air time given candidates outside of regular news broadcasts.

The forty-four stations in our sample aired a total of 231 hours of this type of programming.<sup>47</sup> To put this number into context, there were over 6000 hours of non-news programming aired during the study period on our sample stations. Ninety-seven percent of this additional coverage was debate-related. As with news coverage, the presidential debates dominated special election programming. About 212 hours (92%) of all special election programming focused on either the vice presidential or the two presidential debates that aired during the month we captured broadcasts. Simply airing these three debates accounted for 76% (nearly 175 hours) of all special programming time. Presidential debate preview shows accounted for about 1% (one and one-half hours), and post-debate wrap-ups accounted for 15% (about thirty five hours).

While all but two stations in our sample aired at least one hour-long U.S. Senate debate, only two stations in our sample aired a "debate" between U.S. House candidates and one of these was a five-minute "mini-debate." Our sample contained a total of twenty-three minutes of free air time aired outside of regular news broadcasts. Collectively the stations gave over three times as much air time to post-presidential debate wrap-up shows than all U.S. Senate debates combined, about thirty minutes more air time to Presidential debate preview shows than all U.S. House debates and gave over 450 times more coverage to presidential debates than they gave for free air time.

## V. DISCUSSION AND CONCLUSION

In 1998, the Final Report of the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters,<sup>48</sup> known informally as the Gore Commission report, was released. It proposed that during the thirty days prior to an election, each evening between 5:00 p.m. and 11:30 p.m., television stations voluntarily air a minimum of five minutes of candidate-centered discourse. Its purpose was to provide citizens direct access to candidates' voices without requiring campaigns to pay for that time.

Many local television stations, and some station ownership groups, stated that they would meet that standard in the 2000 primaries and general election campaigns. However, the Gore Commission report included no recommendation or method for monitoring station compliance with the

---

47. All of the stations in our sample aired network and nationally-syndicated programs, ranging from news magazines like *60 Minutes* and *Nightline* to entertainment shows like *Access Hollywood* and *Entertainment Tonight*, whose content sometimes dealt with campaigns. A total of twenty-seven hours of non-local programming with election-related content of this type was captured; it is not a part of this analysis.

48. ADVISORY COMMITTEE ON PUBLIC INTEREST OBLIGATIONS, *supra* note 28.

voluntary standard, nor did the FCC, then or now, require stations to keep records of the amount of candidate-centered discourse they air, nor for that matter of the amount or type of campaign coverage they air.

It was that vacuum that led the USC Annenberg School's Norman Lear Center to monitor the extent to which local stations aired candidate discourse and fulfilled their pledges to meet the Gore Commission standards. The findings<sup>49</sup> were dispiriting. In the general election campaign, for example, the Lear Center analyzed local broadcast television coverage on seventy-four stations in fifty-eight markets in the last thirty days before the election. It found that those stations ran an average of seventy-four seconds of candidate-centered discourse per night<sup>50</sup>—far short of the five-minute commitment.

As striking as those findings were, it was equally notable that no requirement exists for stations to maintain data about the content of their news broadcasts. Scholars, industry analysts, media reformers: any constituency wishing to examine the public interest content of local television news is required to secure independent funding in order to collect and analyze such data. This paper represents one such effort, focusing on the 2002 and 2004 campaigns. It is not unreasonable to suggest that as they formulate public policy, both the Congress and the FCC would be better served if timely, reliable, detailed and accessible disclosure of the content of local television stations' programming were a requirement of the renewal of those stations' licenses.

This contention is in regards to the FCC's localism standard. As we have shown throughout this paper, providing information about local public affairs in general and local elections in particular are perhaps the most tangible yardsticks currently used by the FCC in its continuing effort to define the statutory public interest obligation of television broadcasters. It is also quite clear that our results cast serious doubt about how well broadcasters are meeting this central component of the public interest obligation standard, at least in terms of election coverage. Clearly, additional research is necessary to examine how stations are or are not meeting their localism requirement in terms of other issues, such as crime or health. The data capture methodology used in this study makes studies such as these significantly more feasible, and we encourage interested researchers to contact us with proposals for such research.

Ultimately, however, we agree with media scholar, James Snider, who argues that a local television news archive is, like clean air and water, a public good and as such Congress must require stations to make their news and public

---

49. See THE NORMAN LEAR CENTER, LOCAL TV NEWS COVERAGE OF THE 2000 PRIMARY CAMPAIGNS (2001), available at <http://www.learcenter.org/pdf/tvnews.pdf>; THE NORMAN LEAR CENTER, LOCAL TV COVERAGE OF THE 2000 GENERAL ELECTION (2001), available at <http://localnewsarchive.org/pdf/2000campaign.pdf>.

50. THE NORMAN LEAR CENTER, LOCAL TV COVERAGE OF THE 2000 GENERAL ELECTION, *supra* note 49, at 1.

2007]

DOES LOCAL NEWS MEASURE UP?

428

affairs programming available, online, in perpetuity.<sup>51</sup> Citizens, researchers, and public officials must be available to scrutinize it—not just logs, but actual programs; not just in one quarter, but for all quarters; not just at the station location, but from any location where the Web can be accessed. Technology has solved the challenge of storage. Digital asset management tools have solved the issues of intellectual property. No First Amendment rights are violated by the public's access to what has already been broadcast on the public airwaves. Surely scrutiny is fair use.

And while appeals to concepts like fair use, transparency and the public interest may not be enough to sway the broadcast industry and the FCC, perhaps the power of the Third Circuit Court of Appeals may be. The courts' recent decisions (*Prometheus* and *Sinclair*) have stated fairly clearly that a fundamental flaw in the FCC's decision-making concerning the liberalization of ownership rules is a lack of data and research on the local news and public affairs content. As a result, it seems clear that unless the FCC and the broadcast industry devise some method of allowing for public scrutiny that makes more and better research on public affairs content possible, future FCC decisions will meet the same fate.

---

51. James Snider, *Local Television News Archives as a Public Good*, 5 HARV. INT'L J. PRESS & POL. 111, 118 (2000).

## APPENDIX: WISCONSIN NEWSLAB METHODOLOGY

## 2002 &amp; 2004 STUDIES

## I. SAMPLING

2002 Study: The 2002 UW NewsLab study examined local news coverage of election campaigns in the country's top fifty media markets, which cover 67% of the nation's TV households.<sup>52</sup> The representative sample of 122 stations was drawn from a sampling frame of 200 stations, which comprised the four highest-rated stations in each market.

The 122 stations in the study varied in terms of the number of broadcasts aired, the time and length of each broadcast aired, and the frequency with which broadcasts were postponed and/or cancelled. Up to two half-hour news broadcasts were sampled from each station: the highest-rated half-hour of early-evening news (between 4:00 p.m. and 7:30 p.m.) and the highest-rated half-hour of late-evening news (between 9:00 p.m. and 11:30 p.m.).<sup>53</sup>

The sample is not a sample of all local television news broadcasts and therefore does not allow this study to speak to the content of all local news programming. It is, however, a sample of the highest-rated news broadcasts, allowing us to examine and make generalizable conclusions about the content of programming viewed by the greatest number of people in the country's 50 largest markets.

Broadcasts that were analyzed aired between September 18, 2002, and November 4, 2002. Local news broadcasts are often preempted or replaced by late-running sporting events or special programming such as movies or award shows. Only broadcasts that aired during peak hours were captured and recorded. As a result, the number of broadcasts for each station is based on broadcasts actually aired during peak time, *not* the number of broadcasts that was scheduled to air.

Overall, the study examined and analyzed almost 5000 hours of local news programming (9486 scheduled news broadcasts), on which 8372 news broadcasts actually aired over a 48-day period. A total of 7459 campaign news stories aired and were coded on over 500 attributes.

2004 Study: The 2004 study examined local television news on the top four stations (ABC, CBS, Fox and NBC affiliates) in eleven markets; four of them large (New York, Los Angeles, Philadelphia and Dallas), five mid-sized (Seattle, Tampa, Miami, Denver and Orlando) and two small (Dayton and Des Moines).

The timeframe used – the month preceding Election Day, from 5:00 p.m. to

---

52. See Northwestern University Media Management Center, *supra* note 11.

53. For more information on station sampling, see LEAR CENTER LOCAL NEWS ARCHIVE, LOCAL TV NEWS COVERAGE OF THE 2002 GENERAL ELECTION, *supra* note 11.

11:30 p.m. – was selected based on recommendations of the industry. The Advisory Commission on Public Interest Obligations of Broadcasters in the Digital Age, co-chaired by CBS head Leslie Moonves, issued a report in 1998 known as the Gore Commission Report; this report recommended that day-part and those weeks as the standard against which broadcasters wanted their voluntary efforts at public interest obligations to be measured.

Overall, the study examined 4082 news broadcasts, or 2041 hours of local news programming, over a twenty-nine-day period. A total of 6992 campaign news stories aired during these broadcasts. In addition to focusing on regularly scheduled news programs, researchers monitored all prime-time broadcasting in an effort to capture any special election programming (town hall meetings, debates, free candidate air time) that aired in prime-time. A total of 231 hours of this special programming was captured in the study. Ninety-nine percent of it focused on a debate of some kind, and all but 5% of that was coverage of the three presidential-level debates that aired during the month monitored.

## II. CAPTURING

*2002 Study:* The data were made possible through the emerging technology of DVD recorders. The data were initially captured by fifty field “stringers,” who were responsible for the daily recording of local news programming in each market. Stringers were asked to record between one and four stations in their market based on the random sampling procedure described above, and they received one Philips DVDR985 per station. In addition, stringers received one DVD+R disc per station for every two days of recording, a list of recording times, and pre-paid mailers to return the discs every other day to the Wisconsin NewsLab. The DVDR985 allows for six pre-programmed recordings; therefore, each market stringer was given one early and one late recording time for Monday through Friday, two for Saturday, and two for Sunday.

*2004 Study:* The news programming for the 2004 study was captured through a sophisticated market-based media server technology. Each day, digitally-recorded video was sent over the Internet to the UW NewsLab servers overnight.

## III. CAPTURE RATES AND MISSING BROADCAST REPORTS

*2002 Study:* Of the 10,985 total scheduled recording times, 2284, or 20.8%, were classified as missed due to technical errors with the DVD recorder and human error among field staff. Multiple measures were taken to obtain information on these missing cases. Video was recovered for 785 (34%) of the total 2284 missing recording times. Of the remaining 1499 cases, information was obtained on 1309 through the use of transcripts. From this information, it was determined that only 243 out of the 1309 missing recording times contained election coverage. Information on the remaining 190 recording times

was unavailable.

<i>Broadcasts with...</i>	Video Obtained	Info. Obtained	No Data	<b>Total</b>
Election Stories	785	243		1028
No Election Stories		1066		1066
No Data			190	190
<b>Total</b>	785	1309	190	<b>2284</b>

#### IV. TOTAL MISSING BROADCAST REPORT

Given the 243 broadcasts determined to have election news and the 190 for which information was unavailable, the maximum number of missing broadcasts with election coverage is 433 broadcasts (3.9% of all scheduled recording times).

	<b>Total</b>
Broadcasts with Election Coverage	243
Cannot Determine/Have Not Yet Determined	190
<b><i>Maximum Number of Missing Broadcasts with Election Coverage</i></b>	<b>433</b>
Broadcasts without Election Coverage	1066
<b><i>Total Number of Missing Broadcasts without Election Coverage</i></b>	<b>1066</b>

*2004 Study:* The NewsLab system captured on average 93% of targeted broadcasts, a notably high rate. In ten out of the eleven markets, the average station capture rate equaled or exceeded 90%. In one market—Orlando, Florida—the station capture rate for the ABC, CBS and Fox affiliates was just under 80% and the capture rate for WESH, the NBC affiliate, was 55%. As a consequence, specific findings for that market and WESH in particular should be viewed somewhat cautiously.<sup>54</sup> In addition to the four Orlando stations, two other stations had an overall capture rate of less than 90%: KTTV, the Fox affiliate in Los Angeles, and KCPQ, the Fox affiliate in Seattle.

There is no reason to suspect that there are systematic differences between the overall findings about regularly scheduled news broadcasts reported here and the missing data. Even so, the findings in this report are based only on the broadcasts and campaign news stories actually watched and analyzed by project staff. The majority of the report contains overall percentages and averages which, given the high capture rate, are unlikely to be significantly affected by missing data.

---

54. Prior to the release of this report, the WESH station manager contacted us to report that WESH aired a series of five to eight minute mini-debates focusing on local and state candidates and ballot issues during their 5:30 p.m. broadcast. These aired in the thirty days leading to up to the election.