



## Trump's FCC Has Spent the Year Waging War on Democracy and the Press

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On Tuesday, November 21, media advocates were incredibly busy. Just as they were packing up and logging out for the coming Thanksgiving holiday, Federal Communications Commission (FCC) Chairman and former Verizon attorney Ajit Pai released his plans to decimate net neutrality, which will be voted on Thursday, December 14. Advocates and the public rightly decried the fact that Pai tried to lessen the blowback from this aggressive and unpopular action by releasing the plan at that particular time.

Yet, choosing this timing was not even Pai's most slimy, deceptive act that day. Also on November 21 -- while media advocates were trying to respond to Pai's plans to hand the internet to cable and telecom companies -- he released an equally worrying statement on the FCC's website about "reviewing" ownership restrictions for corporate media giants.

The word "review" is a little misleading. In reality, the statement "seeks to allow even greater media consolidation. Ignoring federal law...", said FCC Commissioner Mignon Clyburn, a Democrat.

This is a frightening proposition, given that, thanks in large part to Bill Clinton's Telecommunications Act of 1996, the ownership rules are already so relaxed that about 90 percent of the country's major media companies are owned by six corporations. Further consolidation poses an existential threat to the capacity of media to serve a civic function (as opposed to simply a source of profit). However, the consolidation statement received little attention -- a reality that holds true for most of the numerous and consequential actions taken by Pai this year. With the exception of net neutrality, which itself received much less coverage than it warranted, FCC actions tend to be ignored by almost all media but the business press.

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"The whole country was trying to get their heads around the net neutrality plans and nobody, not the media -- not even me, really -- had much time to focus on [Pai's] effort to tee up what little remaining limits we have on ownership," said Craig Aaron, president and CEO of Free Press, a media advocacy group that often battles with the FCC in and out of court. "It is a sort of blitzkrieg approach where they are trying to get everything done as fast as possible."

This approach is reminiscent of the phenomenon described in Naomi Klein's *The Shock Doctrine*, which observes how elites engaged "rapid-fire corporate reengineering of societies still reeling from shock" to implement neoliberal policies at break-neck pace. In this case, the shock is the election of Donald Trump. Now, as Aaron notes, "Pai [is] relishing the opportunity to burn it all down and defang the agency."

In less than a year in office, Pai has not only launched an assault on the internet, he has also started gutting numerous ownership caps and attacked policies that help the poor get access to the internet. He also ended the FCC's advocacy in court to eliminate the cruel price gouging for prison phone calls. Pai's FCC has been about as "productive" (or destructive) as any arm of the Trump presidency.

He is just getting started. The public faces the frightening combination of Pai's radical, free-market absolutism and Trump's authoritarian impulses and deep contempt for the media. "Our communications ecosystem has never been so threatened as it is right now," said Michael Copps, former acting chairman and longtime commissioner at the FCC, in an interview with Truthout.

### **A Year in the Life of (Ajit) Pai**

While the net neutrality and media ownership plans announced in November alert us to threats we face in the future, Pai has already made significant and devastating changes to US media and telecom policy over the course of less than a year. He has done this with ease, given that the two other Republicans on the five-person Commission vote lockstep with the chairman on virtually every issue.

In the statement on media ownership, Pai cites something called the UHF discount (details of which can be read here). This refers to an egregious vote by Pai's majority on the commission to reinstate a loophole that basically allowed Sinclair Broadcasting to purchase Tribune Media for \$3.9 billion, creating what Bloomberg called a "TV goliath." Without reinstating this archaic loophole, the purchase would've been illegal. Media companies aren't allowed to reach more than 39 percent of the country, but now Sinclair ("Trump TV," as Mother Jones called it) can reach around 70 percent of the country with its local broadcasts.

This decision is all the more disturbing since Politico reported in December that Trump's son-in-law Jared Kushner said, "Trump's campaign struck a deal with Sinclair during the campaign to try and secure better coverage." The deal, Politico reported, was that Sinclair would give Trump more (uncritical) coverage in exchange for "access to Trump."

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Now, Pai is citing the reinstatement of the loophole as a justification for him to engage in even more consolidation, although the legality of this is challenged, including by Democratic leaders in Congress. Free Press, Common Cause (where Copps works as a special adviser) and others are likely to take the FCC to court over these issues.

In a November vote, Pai also got rid of important cross-ownership rules -- regulations that keep one company from owning media in various forms (radio, newspaper, television) in one market. Such rules discourage monopoly and allow for more diversity of voices. Commissioner Jessica

Rosenworcel, a Democrat, said of the vote, "The FCC sets its most basic values on fire. They are gone."

Media ownership is not the only way Pai has hurt democracy and punished the public. The FCC recently scaled back Lifeline -- a "program that helps about 12.5 million low-income people pay for internet or phone access," according to a report from the Association of Health Care Journalists. The report noted that the move could "exacerbate disparities in health care," since the internet is increasingly being used to improve patients' health. The Lifeline scale-back demonstrates the wide-ranging consequences of FCC actions.

Other policies that Pai has impacted are not merely corporatist, but just plain cruel. When he started his tenure, the FCC had passed regulations that, as Truthout previously documented, limited a gross injustice towards prisoners and their families. Companies were charging absurd prices for phone calls between prisoners and their loved ones -- as high as \$10 a minute. "For the people that rely on a \$5.25 paycheck once a month, it comes down to soap, or a call to their family, which really isn't right," one federal prisoner told Truthout in February.

The matter was making its way through court, with the FCC supporting caps on prison phone rates to rein in greedy phone corporations. Pai's opposition to the plan, however, led to the FCC abandoning the case after Trump was elected. The courts dismissed the case, citing the FCC's change of position as a reason. Commissioner Clyburn called it the worst "regulatory injustice [she had] seen in 18 years" at the FCC.

Aaron said he recalls attending a hearing where parents, grandparents and other family members -- who were paying hundreds of dollars a week as a result of the problem -- to testify about the injustice in front of Pai and the other commissioners. "I was struck at how Pai could sit right there in front of all these victims, look at them in the face, and make a procedural argument against the policy," Aaron said.

### **Unmatched "Radical Change" at the FCC**

Not long before Pai posted his plans about media ownership and net neutrality, another telling document was shared on the FCC website: Pai's speech at the right-wing libertarian Cato Institute's policy conference in New York City. (He also has spoken at conferences for other libertarian bastions, such as Reason Foundation and the Heritage Foundation, in New York.) "I must admit that I had no idea the Big Apple had become such a hotbed of libertarian activity. Has anyone notified the city government?" Pai joked.

### **Pai heads arguably the most aggressive wing of the administration, and inarguably the most politicized FCC in the commission's 80-year existence.**

This is just an anecdote, but it tells us something unique about Ajit Pai from past FCC chairs, including Republican ones. "You don't see him doing the National Press Club or more traditional events like that. He doesn't run in those circles. For him, it is FreedomWorks, Cato, Heritage and those kind of ideological organizations," Aaron said. "This is unique from past Republican chairs."

Advocates argue that while the FCC has long made controversial decisions, often to the benefit of certain industries, Pai's strict adherence to ideology is something new on the commission. "There is usually some level of independence and restraint from the chair. Chairman [Kevin]

Martin and Chairman [Michael] Powell had their flaws -- as did Obama's appointees -- but it is much different with Pai," said Aaron.

Copps, who served with Pai as a commissioner, emphasizes how today's chair differs from those in the past GOP. "All the recent GOP-led FCCs were enthralled with Adam Smith economics, but with Pai, it's ideology and it's just plain over the top. No subtlety, no nuance," he said. "Additionally, the special interests are even more in the saddle in 2017 than they were earlier."

To underscore how uniquely partisan Pai is, it is worth looking at how divided Congress was on his appointment compared with past FCC chairs. The previous six FCC chairmen, spanning both parties, had been confirmed with unanimous votes -- even Tom Wheeler, who implemented the net neutrality protections currently under attack. Pai, on the other hand, was opposed by all but four Democrats, all of whom are hearing about it from progressive organizations.

This shift reflects the extent of the threat Pai poses. Like Republicans, most Democrats receive donations from companies and lobbies that will benefit from Pai's attack on regulations and ownership caps. Two of the four top recipients of telecom donations, according to the Center for Responsive Politics, are Democrats, and overall, the GOP's edge in donations is in line with its majority in Congress. Cable news giants like Comcast gave more to Democrats than to Republicans in the 2016 cycle, notably to Hillary Clinton, who was backed heavily by Big Media. Yet, despite these donations and all the lobbying done by these industries, Senate Democrats overwhelmingly opposed a Pai-led FCC. Pai is such an ideological crusader that even a normally timorous Democratic Senate Caucus, poised on the receiving end of generous donations from Big Media and Telecom, fears the devastation Pai can cause to communications.

Harold Feld, a senior vice president at the consumer advocacy group Public Knowledge, also notes that in past administrations, there was less partisan uniformity among the commissioners.

"It used to be FCC commissioners were more independently minded. You couldn't assume you had the votes of other commissioners in the same party. You had to make deals ... it was less predictable," he said. "The way it is now is quite different. Compared to the [George W.] Bush administration, the pace of radical change is unmatched in breadth and scope."

### **Pai's Mask Comes Off**

Until Pai's efforts to destroy net neutrality became a short-term reality, most people, and most of the political media, paid little attention to him. The FCC chairman is known for an affable demeanor and boyish grin -- "the kind of guy you'd want to have a beer with," according to Gigi Sohn of the Verge. He takes to social media with musings on popular culture, sports, beer and his ridiculous, oversized coffee mug (a radical departure from the tweets his boss makes on a regular basis).

He made a cringe-worthy comedy video where he answers "mean tweets" on YouTube -- acting like a good sport, yet characterizing his opponents in the worst possible light by cherry-picking the least persuasive, most offensive arguments. He participates in "no fewer than three fantasy football leagues," according to an official statement. In at least one other official FCC statement, he quotes from *The Big Lebowski* (something he does with frequency), writing, "Yeah, well, you know, that's just, like, your opinion, man," and even footnoted it as such: "The Dude, *The Big Lebowski* (Polygram Filmed Entertainment 1998)."

All of these quirks aside, since his assault on net neutrality protections became of immediate concern, as Mike Ludwig reported last month, the mask is coming off: Pai is viewed by media advocates as one of the most dangerous figures in a Trump White House -- a telling statement, given how many of Trump's people are hiding deep in the shadows of scandal. "Pai's FCC is a farce and a tragedy and it is going on at one of the most powerful, most destructive and most inadequately covered government agencies," Copps said.

Pai heads arguably the most aggressive wing of the administration, and inarguably the most politicized FCC in the commission's 80-year existence. Moreover, he does so at a time with immensely high stakes: The future of the internet is being shaped, increasingly large "mega mergers" are on the docket, and as noted above, all of this is happening in service to a president with nothing but derision for the press. "They are getting along famously," Feld said of Pai and Trump, noting their common usage of social media to sell policy proposals.

Pai's attempt to destroy internet freedom, however, does have one silver lining: It has woken people up to the danger of his agenda, as well as the importance of media policy and of monitoring the FCC closely. The support for net neutrality in public comments in recent months has been overwhelming, and while Pai seems poised to ignore them, they do not go to waste.

"Those comments are helpful in litigation," Aaron said. "The FCC chair is obligated to use evidence to make changes. He must defend the logic.... I think we [have] better than a coin flip's chance in court to overrule net neutrality rollbacks."

There is also mounting evidence that bots were deployed to use identity theft to make fake comments supporting Pai's agenda. One FCC commissioner, 28 senators and the New York Attorney General's office are asking Pai to delay the vote for an investigation, though he has predictably refused to heed their call.

### **Media Policy as an Election Issue**

A year of the Pai/Trump agenda has been scary and dangerous. However, just as the GOP's regressive Trumpcare plans helped energize a movement for Medicare for All, Pai's undemocratic agenda is not sitting well with the US public. Many experts predict that media policy, and specifically broadband policy, will be a big election issue, in both the general election and the primaries.

Referencing the four Democrats who voted to confirm Pai, the group Fight for the Future, a coalition of media and consumer groups, "announced that they will target these lawmakers in their districts with crowdfunded billboards informing constituents of their Senator's controversial vote."

The Democrats in question are Jon Tester (Montana), Claire McCaskill (Missouri), Gary Peters (Michigan) and Joe Manchin (West Virginia). "A vote for Pai was a vote to end net neutrality protections," the group said. Voters and organizers will pay especially close attention to politicians getting the most donations from Big Media.

It is also true that net neutrality is supported by a majority of both Republicans and Democrats, which could make the issue more appealing for some politicians. As Feld notes: "If there is one thing that unites the left and right, it is their hatred of the cable company."