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Thank you, Mr. Chairman and FTC staff, for this important workshop.

I'd like to talk about Cicero.

When Cicero was sent to the provinces, he was quite unhappy with the commercial news packets coming from Rome.

He wrote back complaining that what he needed to know were the votes of the senate but instead he was getting weird stories about Gladiators and ostriches.

A lot of people have had this kind of experience.

The Newspaper Association of America tells us that in 2007 there 1,422 daily newspapers. But at the same time there were 3,248 counties, 19,000 incorporated places and 30,000 “minor civil divisions” like towns and villages.

All of that government is not being watched by the fourth estate. And it wasn't before the internet, either. A newspaper I edited, the Oakland Tribune, got awards for its watchdog coverage. But we thoroughly watched over perhaps only 5 percent of the government within our region.

The point here is that the market has not suddenly failed to provide news in the public interest.

It always picks and chooses.

That's why I agree with this statement, made by the Knight Commission on the Information Needs of Communities in a Democracy:

*Journalism does not need saving so much as it needs creating.*

Yes, we should care about not losing the current flows of news and information.

But we also need to think about how to create 20 times more than what we have now. What are the things holding us back from that goal?

This nation has made rules involving media for hundreds of years, all the way back to postal subsidies for the colonial press.

For the most part, though, our nation's current media policies are just old and in the way.

They are of the industrial age. Not the digital age. They often block innovation, the creation of new journalism, which is what we need and what Knight Foundation's grants try to create.

Let me give some examples:

**Public media.** A lot of the government money that flows to public media is status quo money. Not good enough. Perhaps everything the Corporation for Public Broadcasting funds should be media innovation, to make public media more local and more interactive. We would need new rules for that.

**Nonprofit digital startups.** Our old rules don't treat them fairly. Tax rules make it hard to switch to being a nonprofit, or a L3C. Nor do the rules allow these

types of news organizations to exercise as much community leadership as for-profit entities, in, for example, the writing of editorials. Access rules don't give nonprofit news organizations equal access to press galleries.

**University journalism.** Students everywhere are showing they can do great journalism. (By the way, if the nation's 200,000 journalism and mass communications students spent just 10 percent of their time doing actual journalism, that would more than replace the journalism lost in the past 10 years from the elimination of jobs by badly run news businesses.) But our old rules don't treat student journalists fairly. Many of our shield laws don't protect them, don't consider them journalists.

**The government itself** is a huge producer of mass media today. But in general not a very good one. For the most part, local, state and national government can't seem to use the new technology to do a better job obeying its own freedom of information laws, not even on the people's web sites that it now runs.

I'm really not sure how much of this the FTC can or should try to change. Hopefully, if schools and universities expand the teaching of news literacy, the Ciceros of the world will demand more on their own.

But there is one big thing the FTC can do.

Consumers must have universal broadband access.

If you don't have digital access, it doesn't matter what kind of journalism falls in the forest. You won't hear it. You aren't connected. You aren't part of the digital public square.

The FTC should be out there saying *hey, FCC, we are going to dog you until you deliver on universal affordable broadband for all consumers.*

That's the level playing field upon which everything depends.

Thank you.