

RESOLUTION NO. 62,386–N.S.

SUPPORTING BERKELEY LIBERATION RADIO 104.1 AND URGING FEDERAL, STATE AND LOCAL OFFICIALS TO SUPPORT POLICIES AND PRACTICES THAT ENCOURAGE DIVERSE LOCAL NON-COMMERCIAL MEDIA

WHEREAS, Berkeley Liberation Radio 104.1 FM has provided an invaluable public service to the City of Berkeley for the past four years; and

WHEREAS, Berkeley Liberation Radio 104.1 FM has provided a forum for those whose voices are often excluded from the increasingly consolidated corporate media; and

WHEREAS, Berkeley Liberation Radio 104.1 FM has remained committed to fostering an informed and engaged public by providing access to a diverse group of local residents, artists, community groups, and public officials; and

WHEREAS, Berkeley Liberation Radio 104.1 FM has contributed to a wide diversity of programming including Liberation of the Wretched, In the Spirit of Things, Palestine Liberation Show, Copwatch, the Isabella Show and many more fine programs; and

WHEREAS, the regulatory structure of the Federal Communications Commission (FCC) increasingly reduces the expression of alternate and dissonant voices; and

WHEREAS, the Radio Broadcast Protection Act (RBPA) contains provisions that would prevent the FCC from considering applications from persons or organizations who had previously been unlicensed broadcasters and the RBPA also required increased channel separation between new LPFM stations and other broadcast licensees; and

WHEREAS, the ban on previously unlicensed broadcasters is under constitutional challenge now pending before the U.S. Supreme Court (Petition for writ of certiorari filed May 1, 2003, government brief opposing filed July 7, 2003); and

WHEREAS, the RBPA provision requiring increased channel separation was, under the law, subject to review by a technical study of potential interference. The technical study, commissioned by the FCC and conducted by the MITRE Corporation shows that present channel separation requirements are excessive; and

WHEREAS, Berkeley Liberation Radio 104.1 FM has operated without interfering with other radio stations broadcasts; and

WHEREAS, Berkeley Liberation Radio 104.1 FM has peacefully coexisted with its neighbors throughout its broadcasting history; and

WHEREAS, the FCC has delivered a notice of unlicensed broadcasting to Berkeley Liberation Radio 104.1 FM; and

WHEREAS, citizens in a democracy require public access to a diverse range of media voices and messages in order to participate fully in our community's shared social, cultural and political life.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council supports Berkeley Liberation Radio 104.1 FM and other local non-commercial media.

BE IT FURTHER RESOLVED that the Berkeley City Council urges the Federal Communications Commission not to interfere with the functioning of Berkeley Liberation 104.1 FM.

BE IT FURTHER RESOLVED that the Berkeley City Council urges state and local law enforcement officials to refrain from involvement in activities that prevent Berkeley Liberation 104.1 FM and other diverse local media from providing healthy democratic local media in the San Francisco Bay Area.

BE IT FURTHER RESOLVED that the Berkeley City Council urges Congress to adopt legislation restoring the cross ownership ban (newspapers and broadcast media) recently removed by the FCC, and urge the Congress and the FCC to protect content diversity and press freedom by retaining and strengthening existing media ownership regulations, including regulations that limit the number of stations one owner may hold.

BE IT FURTHER RESOLVED that the Berkeley City Council calls upon Congress to exercise its oversight in the area of federal communications policy through public hearings on media ownership issues and to pursue legislation aimed at protecting democratic media by prohibiting further media consolidation.

The foregoing Resolution was adopted by the Berkeley City Council on February 17, 2004 by the following vote:

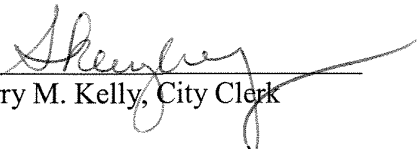
Ayes: Councilmembers Breland, Maio, Olds, Spring, Worthington and Mayor Bates.


Noes: None.

Abstain: Councilmembers Hawley, Shirek and Wozniak.

Absent: None.

Attest:


Sherry M. Kelly, City Clerk


Tom Bates, Mayor