

A National Federation of Community Broadcasters White Paper

**Community Radio’s New Horizon: Communicating
Our Values in the Age of the Trump Administration**

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Abstract

The nation has a range of opinions about Donald Trump and the recent presidential election. These opinions have spilled out onto the streets, social platforms and broadcast media. Due to the nature of their licenses, those classified as non-commercial educational entities by the Federal Communications Commission are charged with a notable burden in use of the airwaves in a manner consistent with the law, as well as community standards. When emotions are high, organizations must respond with intelligence, strategic thinking and sensitivity.

This National Federation of Community Broadcasters (NFCB) white paper examines a number of issues related to post-election community media, including the FCC, Internal Revenue Service and Corporation for Public Broadcasting outlook for community media; how stations and volunteers should be operating in the current environment; and other factors station leaders should consider. NFCB believes community radio has a rare opportunity to grow its audience and donor base and to foster dialogue. Failing to engage in community conversations effectively, as well, can have an inverse effect, where funding, community status and even one’s license can be endangered. NFCB offers the following document as both context and a guide to navigating broadcast issues for community media member organizations across the United States and Puerto Rico.

Introduction

For more than three generations, community radio has united arts, culture, ideas and innovation across America and the world. From local performers to debates between candidates for public office, community radio has served as a kind of media town hall. While liberal in its earliest incarnations, community radio has embraced inclusivity over the years, even if when it leans left in some communities. It remains in form and character divergent from what most Americans think of when they consider radio and media in the country.

The 2016 presidential election was among the most contentious contemporary races in the United States. Myriad scandals, disputes over policy, and physical altercations at rallies and protests underscored divisions in the nation. Republican Donald Trump, running on a hard-right platform, was elected to be the President of the United States over Hillary Clinton, the first woman in the nation's history to be nominated for president by a major political party. Although the race was resolved, the role of the United States' Electoral College system, through which Trump won, as well as more scandals, prompted further tensions after Election Day. Even at this writing, differences of opinion regarding politics remain at a simmer in many communities.¹

Media has long been considered the "fourth estate," a check on government power. Presidents are faced with many decisions that affect the lives of millions of Americans, their children and the future. As such, American history is filled with instances in which the media has held leaders to account for their choices and created conversations on issues of the day.² With its more than 100 years of existence, radio is a sometimes-overlooked, yet omnipresent pillar of this estate. Be it World War II reporting or Senate confirmation hearings, radio has been indispensable. Longtime audiences may have an expectation for aggressive journalism in this regard.

During the period in which it emerged, community radio was considered a medium in which the average American could participate in broadcast news, arts/music and public affairs.³ FM licenses at that moment were far more affordable and the airwaves more accessible, providing fertile ground for community radio to bloom. The idea that a person without formal education in radio could be a DJ, a radio program host and a media leader was revolutionary. For many communities, this form of radio is still an important part of the area's culture. As commercial radio and television advertising and access costs rise, hastened by consolidation and deregulation, community radio remains a viable entry point to many individuals.

As difficult an election year as 2016 was, several factors have lent to a struggle over content and mission. Such matters have also blurred for some audiences the legal specifics of what a non-commercial educational license as assigned by the FCC is intended for, related to communities.

Much is made of the terms public broadcasting, public media and public radio. However, these are, at base, in reference to public-service broadcasting that "generally meet their operating

¹ <http://www.people-press.org/2016/12/14/obama-leaves-office-on-high-note-but-public-has-mixed-views-of-accomplishments/>

² <http://www.pbs.org/now/politics/mediahistory.html>

³ http://digitalcommons.linfield.edu/mscmfac_pubs/13/

expenses with contributions received from listeners and viewers.”⁴ Various rules outline the character of such broadcasts, which are more stringent than commercial media when it comes to speech and commercialism.⁵ Community media’s old value proposition of access and alternative has been shifted today by several factors, particularly in regard to changes in the commercial media space.

In the digital age, mainstream media and corporations have adopted the citizen-as-media-maker visage through online comments, social media, streaming video and the explosion of opinion-based journalism, i.e. individuals with easily discernible opinions or those who discuss their opinions publicly while reporting or commenting on matters on which they report. In 2016, the journalism discussion focused on fake news and what constitutes *bona fide* news programming, when in many ways, journalists needed to focus on making better stories and engaging audiences more effectively.⁶ Personal opinions are at once favored in mainstream media and social networks while more Americans express concerns about bias⁷ and filter bubbles.⁸ The prevalence of personal opinion stated publicly blurs the lines of mission and the integrity of media. Such is an emergent matter, yet to be fully resolved. Because community media has historically been freewheeling related to volunteer opinions, this commercial media change to more opinion-based is significant.

In addition, community radio was born and matured at a particular historical period in which there were few alternatives for news, culture and arts. Nearly 40 years ago, and even 10 years ago, media choices were not nearly as robust. In such conditions, it could be expected that, for community radio’s core audience and leadership, many of whom grew up then, that community radio might see itself as an alternative – even opposition – to the mainstream media. Part of this vision, it appears, was invested in promoting progressive politics, participatory democracy and alternative lifestyles. Faced with a candidate like Donald Trump, community radio must contend with strategic matters it arguably has not discussed in depth since the administrations of strict conservatives like Ronald Reagan or Richard Nixon. Yet at a time when media is more open than ever, audiences are changing and the federal government and administrative bodies like the FCC shift change as well.

Problem Statement

The ascension of President Trump and his administration creates a number of issues for community radio.

Some community radio leaders are witnessing an internal constituency, which may include volunteers, board members and donors, wanting for the station or particular programming to publicly oppose the President. Examples of such instances include:

⁴ <https://www.fcc.gov/media/radio/public-and-broadcasting#NCECOMM>

⁵ <https://www.fcc.gov/media/radio/nature-of-educational-broadcasting>

⁶ http://www.cjr.org/criticism/bad_journalism_fake_news.php

⁷ <http://www.politico.com/story/2016/10/poll-media-bias-against-donald-trump-229998>

⁸ <http://www.niemanlab.org/2016/11/the-forces-that-drove-this-elections-media-failure-are-likely-to-get-worse/>

- On-air commentary that conveys opposition to Trump, as well as music selections or guest invitations that can give a reasonable listener a clear understanding of the viewpoint being conveyed.
- Off-air activities in the station's name or via established station channels (e.g. email lists, social media) to organize political opposition to potential Trump or Republican proposals.
- Rebranding the community radio station as anti-Trump, liberal or opposed to particular politicians, mainstream media and perceived threats.

The dilemmas created by positioning community radio stations to oppose President Trump are many.

FCC licenses to non-commercial educational entities are granted for educational and public service purposes. With a new President comes a change in the FCC, which has traditionally shifted in party alliance based on the Administration's affiliation. In the weeks leading up to Trump's inauguration, Republican commissioners suggested they expected to review rules upheld by the previous FCC chaired by Tom Wheeler, which was Democratic leaning.⁹ Among the last rulings of the Wheeler FCC was a rejection of a request to revoke non-commercial station WBAI's license on content grounds. While the Wheeler-led FCC stated it would not get involved in subject matter, Radio World noted the decision states, "a licensee has broad discretion — based on its right to free speech — to choose, in good faith, the programming it believes serves the needs and interests of its community of license. We will intervene in programming matters only if a licensee abuses that discretion."¹⁰

At this date, it is unclear whether the FCC will regard licensees using their signals to vigorously oppose President Trump as an abuse of discretion and thus grounds for license revocation. Historically, the FCC has steered away from content review, though it has issued fines and other judgments based on a range of content issues before.¹¹ Proposed privatization of CPB, it is widely speculated, is based on perceptions of funding liberal content, primarily NPR. Trump advocates like Breitbart have called for CPB slashing, citing the public radio juggernaut and its programming.¹²

Complicating this topic is that Internal Revenue Service 501(c)(3) designations, which are the province of many community radio station licensees, are expressly for the purpose of education, in which political advocacy is forbidden. Although it is true that many rules relate to candidates running for office or legislation up for consideration, the IRS does have rules related to non-

⁹ http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0104/DOC-342882A1.pdf

¹⁰ <http://www.radioworld.com/business-and-law/0009/listener-rebuked-in-request-to-deny-a-station-its-license/338832>

¹¹ <http://www.askcbi.org/resources/fcc-actions/>

¹² www.breitbart.com/california/2016/11/22/npr-donald-trump-may-defund-500-million-public-broadcasting/

profits and political activities, with designations about expectations of non-partisanship.¹³ The penalties for misuse of a 501(c)(3) non-profit status include revocation of status.

Finally, these discussions within community radio stations must take long-and short-term consequences to account. In many areas, community radio attracts an eclectic audience. Donors may be independent, conservative, moderate or liberal in their personal orientation. The city of broadcast may have similarly blended viewpoints. In some cities, community radio has sought to cultivate relationships with local leaders, businesses, underwriters, sub-communities and others. Even if some think it appropriate, decisions made at the local level to engage in actions that could be perceived as undermining the President of the United States might have net negative effects to a station's standing, its base of funds and access to people and resources.

Supporting Data

FCC: The party in power in the Executive branch traditionally controls the Federal Communications Commission. With the departure of Tom Wheeler as President Obama leaves office, Commissioner Ajit Pai, a Republican, will become the next FCC Chair.¹⁴ Pai, an opponent of net neutrality, has stated President Trump's intention to dismantle various FCC regulations. While much of this is believed to affect commercial media, it is reasonable to expect non-commercial media may be affected too. For its January 31 meeting, the first without Wheeler, the FCC will review requirements that stations retain a public file of letters it receives about station operations. As of this writing, it is the sole item on that agenda.¹⁵

To date, President Trump has not named a commissioner to replace Wheeler. Many outlets reported Trump allegedly asked Fox News owner Rupert Murdoch for guidance on who should lead the FCC.¹⁶ Although reports speculated Murdoch may act to select names in line with his business interests, the prevalence of hard-right social conservatives like White House advisor Steve Bannon are likely to influence the direction of appointments. An overall restructure of the FCC is expected.¹⁷

IRS: Since the election, how non-profits will respond to President Trump has been the subject of much debate.¹⁸ The IRS rules related to political activity and non-profits include 26 U.S.C. Section 501(c)(3), which specifies that charities cannot "participate in, or intervene in (including publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for political office." Section 1.501(c)(3)-1(3) (iii) reminds non-profits these

¹³ <https://www.irs.gov/charities-non-profits/charitable-organizations/political-and-lobbying-activities>

¹⁴ <http://variety.com/2016/biz/news/fcc-chairman-tom-wheeler-resigns-trump-1201943211/>

¹⁵ http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0110/DOC-342969A1.pdf

¹⁶ <https://mic.com/articles/164344/donald-trump-allegedly-asked-fox-news-owner-rupert-murdoch-who-should-be-fcc-chair>

¹⁷ <http://arstechnica.com/tech-policy/2017/01/trump-team-reportedly-wants-to-strip-fcc-of-consumer-protection-powers/>

¹⁸ <https://nonprofitquarterly.org/2016/11/14/loyal-opposition-nonprofits-struggle-acceptance-resistance-responses/>

regulations apply to any and all candidates for federal, state and local elections. The FCC's Restriction of Political Campaign Intervention¹⁹ reads, in part:

Certain activities or expenditures may not be prohibited depending on the facts and circumstances. For example, certain voter education activities (including presenting public forums and publishing voter education guides) conducted in a non-partisan manner do not constitute prohibited political campaign activity. In addition, other activities intended to encourage people to participate in the electoral process, such as voter registration and get-out-the-vote drives, would not be prohibited political campaign activity if conducted in a non-partisan manner. On the other hand, voter education or registration activities with evidence of bias that (a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring a candidate or group of candidates, will constitute prohibited participation or intervention.

Note the operative phrase "non-partisan." If activities may be construed as partisan, that may be ruled by the IRS as prohibited and trigger an investigation or revocation of status. To clarify further, such prohibitions generally do not extend to individuals associated with a 501(c)(3) non-profit, related to their acts or speech. However, such people must be acting in a personal capacity and not utilize any organizational assets.²⁰

During the campaign, Trump pledged to repeal the Johnson Amendment, which prevents non-profit organizations from participating in political activities.²¹ This is regarded mostly as a campaign promise to win over religious conservatives, who have historically been the Johnson Amendment's most prominent opponents. Such opposition is due to Johnson Amendment interpretations that regulated non-profits in cases where people were publicly and strongly identified with a non-profit, such as a religious leader.

Audience: Earlier in this white paper, it is asserted that community radio serves a diverse audience. Pew Research indicates the country's political divides are, in fact, deepening, with Republicans in the last year or more drifting right while Democrats drifted left.²² Non-commercial media has spent a great deal of time in the period after the election of Donald Trump to understand where journalists failed. Among their takeaways were that the media wasn't diverse enough, in touch with communities different than their own and relied on polls over on-the-ground reporting.²³ Such self-criticism echoes what the general public thinks of the media. Gallup reported in Sept. 2016 that Americans largely did not trust the press or believed it would

¹⁹ <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501-c-3-tax-exempt-organizations>

²⁰ <https://nonprofitquarterly.org/2016/07/27/churches-political-activity-call-repeal-johnson-amendment/>

²¹ <https://www.theatlantic.com/politics/archive/2016/08/how-trump-is-trying-to-put-more-money-in-politics/493823/>

²² <http://www.pewresearch.org/fact-tank/2016/01/27/the-demographic-trends-shaping-american-politics-in-2016-and-beyond/>

²³ <http://thirdcoastfestival.org/explore/feature/mudslide-the-election-of-2016>

cover something fairly or accurately.²⁴ To the question, “In general, how much trust and confidence do you have in the mass media -- such as newspapers, T.V. and radio -- when it comes to reporting the news fully, accurately, and fairly -- a great deal, a fair amount, not very much, or none at all,” 2016 trended the lowest numbers in years:

	Great deal	Fair amount	Not much	None	No opinion
Sept. 2016	8	24	41	27	*
Sept. 2012	8	32	39	21	1
Sept. 2008	9	34	35	21	1
Sept. 2004	9	35	39	16	1

Gallup points out Republicans distrusted media most, with 14 percent saying they trusted media in 2016 versus 32 percent a year before. With Republicans seeing a slight uptick nationally, Democrats seeing a down period and self-identified independents seeing an increase²⁵, it is reasonable to suspect community radio sees a blend of listeners from different walks of life with equally unique views of the world.

Although there is mainly anecdotal evidence in community radio and the academic community about music tastes and political leanings, Stanford researchers in 2016 sought to find correlations between what kind of music people liked and what their political affiliations were most likely to be.²⁶ However, without more data, it’s difficult to claim listeners to particular music genre have a particular political or party identification.

Conclusions

The National Federation of Community Broadcasters contends community radio must act on these issues with care and consideration to its long-term strategic needs. Messaging, communications and conduct should be crafted with an eye first to audience. Moreover, the United States is entering into a key political period, one in which broadcast and non-profit policy may be rewritten in ways that could impact community radio for years to come.

NFCB strongly encourages community radio member stations to refrain from political advocacy for or against elected officials. Existing IRS policies and FCC guidelines disallow partisan political activity. In addition, the credibility and trust a community radio has among its listeners is precious. Once lost, that faith is hard to win back. Perceptions a station is politically exclusionary or campaigns in support of or against officials elected by the American people, even in our imperfect system, can be damaging. Rebranding or positioning that seeks to present a community radio station as in defiance of a particular candidate may alienate as many people as it attracts, be they conservatives who disagree or moderates, anti-Trump conservatives and liberals who don’t believe non-commercial media’s role is to tell them how to think. On-air

²⁴ <http://www.gallup.com/poll/195542/americans-trust-mass-media-sinks-new-low.aspx>

²⁵ <http://www.gallup.com/poll/15370/party-affiliation.aspx>

²⁶ <https://qz.com/820239/geographical-music-trends-in-the-us-can-help-predict-the-presidential-election/>

advocacy can be equally problematic. Even with disclaimers, a reasonable listener may consider airtime an endorsement of the speaker's ideas.

What is a community organization to do when stakeholders and audiences want more active resistance to President Trump? NFCB advises community media to focus on messages that speak about community needs and for the larger interest of what the wider audiences craves. One approach may be to zero in on storytelling, effective journalism and local community engagement events that seek to create dialogue. Through these initiatives, community radio is more likely to draw in listeners, rather than hectoring listeners over Trump or perceptions of his policies.

An example of a richer approach comes from KPCC²⁷, which offered the following post-election communication:

In the aftermath of the historic 2016 elections, having a source of independent, fact-based news where you can hear multiple perspectives on issues and events; and where you can engage with people whose politics are informed by different beliefs from your own is more important now than ever before. Throughout this election year, KPCC has provided the most comprehensive coverage of the elections at every level of the ballot: national, state and municipal. KPCC's "Voter Game Plan" was an invaluable tool for tens of thousands of voters trying to figure out whom and what to vote for on one of the most complicated ballots in our history.

Many KPCC listeners are thrilled with the results of the presidential election, but struggling to understand the results of statewide and local contests. Conversely, many of you are disappointed by the results at the top of the ticket, but take comfort in the results of races and initiatives closer to home. We all, however, come to KPCC for the same reason: to get the highest quality news and information that helps us make sense of what is happening around us and—just as important—to engage in thoughtful, respectful dialogue that fosters understanding, broadens our perspectives and improves the quality of civic life in the communities we share.

This is where KPCC's public service mission—our commitment to civility and to engaging people from across the political spectrum—makes a profound difference in the quality of civic and cultural life in greater Los Angeles. Our job now is to make sure that every one of you can make sense of this election—at every level of the ballot—and use this information and these insights to improve the quality of your lives and your communities.

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<http://app.info.americanpublicmediagroup.org/e/es.aspx?s=1715082578&e=270262&elqTrackId=462f4cc1156c4829a98da6b082485bb4&elq=92f45634276a46f49e913dfbfd535139&elqaid=25102&elqat=1>

Thank you for placing your trust in us—and for supporting our mission. We appreciate it more than we can express in words. And we will continue to work as hard as we can to realize the full promise and potential of public service journalism.

Some of the hallmarks of the KPCC communication are a centering of the station's mission, phrased in a manner that supersedes partisan divides. The core values it speaks to are those that listeners, regardless of viewpoints, can support.

This may also be an opportunity to launch new projects and generate support for coverage a community media group offers on-air or in digital form. One organization turned the post-election interest into a daily post-election call-in program.²⁸ Another decided to document hate crimes in the post-election days and weeks.²⁹ Still another used the moment to firm up its ethics codes, especially related to social media, to grow audience confidence in its integrity.³⁰ In each example, the organization in particular could have easily turned its content into anti-Trump grist for the mill. Instead each got more innovative in reaction to the spike in post-election discussion.

Suggested Solutions

NFCB believes station leaders have a tremendous opportunity to master this moment to grow audience and build bridges. We believe a multi-tiered approach with stakeholders will serve community radio stations.

Here are solutions NFCB forwards to community media leaders as recommended approaches for your consideration:

Points to help frame leaders' discussions:

- Community media represents diverse viewpoints and cultures. We honor many opinions, capture exuberance, ease tensions and help our neighbors understand one another with compassion and sensitivity.
- Community media is a bridge builder, uniting the many people in our communities by relating our experiences, stories, hopes and aspirations in pursuit of the best America possible.
- In community media's commitment to democracy, we educate audiences about the issues and news of the day, and strive to share a balance of viewpoints to help those tuned in to make their best, most informed decisions.
- Our sole commitment is to our audience and respecting their intelligence, not to an individual host's opinion or telling people what we think they need to know.
- Our obligation as community media is to listen, not argue, not lecture and not spin. Donors trust us because we listen.

²⁸ <http://www.niemanlab.org/2017/01/with-indivisible-public-radio-stations-hope-the-call-in-format-will-help-americans-find-common-ground/>

²⁹ <https://projects.propublica.org/graphics/hatecrimes>

³⁰ <http://current.org/2017/01/with-growing-emphasis-on-social-media-mpb-requires-more-staff-to-adhere-to-ethics-code/>

- Federal support for non-commercial educational media has been an American value for generations. Americans believe in public broadcasting, and want it to continue.³¹
- The outlets that depend on federal funding bring valued voices to the nation. Even for organizations that do not receive CPB funding, an end to federal support only means more competition for money that might otherwise stay local. It also means the potential for all organizations to see federal support vanishes forever.
- When there are disagreements over local content, stations take concerns seriously, review all complaints and advise volunteers and other representatives of the station to remember our priority is to produce the best programming possible that serves our community.
- When there are disagreements over syndicated content, stations take concerns seriously and review all complaints. Listeners should be aware that editorial choices in syndicated content are exclusively by non-local producers, and the station rarely has notice of what will air before it is broadcast.
- When there are disagreements over off-air issues, stations take concerns seriously and review all complaints. *Stations should be prepared to note volunteer/staff policies relevant to the matter at hand.*

With listeners:

- Communicate an enduring commitment to dialogue, civility and inclusion.
- Reflect the station's mission and how it is prioritized.
- Relate a desire to help the audience to understand the country and each other.
- For news stations, convey a focus on telling important stories that help listeners assess our national agenda and be more informed citizens.
- For music stations, to continue to inspire listeners and to show music's universality.
- Remind audiences that financial support to continue the organization's unique offerings is needed now more than ever.

With volunteers and staff:

- Set clear expectations about on- and off-air conduct related to the election, the results and opinions therein. This should include social media as well as broadcast.
- Offer reminders of the station's obligation to represent its community, and to be leaders.
- Ask everyone to be welcoming and positive ambassadors of a station's mission at all times if tensions arise.
- Remind volunteers and staff that service to all members of a community, rather than simply ones we know or those we believe are morally right, is a station's expectation, regardless of where one engages with the audience.
- Remind volunteers and staff that donors come from many walks of life and opinions, and respect for differences of opinion is meaningful.
- Suggest that issues to be broadcast are best illustrated through including all sides and opinions as often as possible.
- Ask staff and volunteers of a particular opinion to seek out as many voices as possible in a respectful way, in pursuit of the best community media possible.

³¹ <http://www.americansforthearts.org/by-program/reports-and-data/legislation-policy/legislative-issue-center/supporting-public-broadcasting>

For board members:

- Remind members that their fiduciary responsibility rests in the continuance of the station.
- Remind members of pertinent FCC and IRS policies and trends.
- Encourage board members to recall their leadership role in a community with diverse opinions and constituents who expect members to represent everyone.
- Ask members to bear in mind the mix of feelings post-election, from sadness to joy, and how community radio stations can creatively capture a unique moment.

Summary

For more than 40 years, through many presidential Administrations, the National Federation of Community Broadcasters has represented non-commercial radio's most diverse pool of outlets. We similarly encourage station leaders to take the long view of America and media as they plot the way forward for their organizations.

We invite feedback and counsel from member stations on how they're charting a course amidst a Trump presidency. NFCB looks forward to building with and learning from fellow community radio stations in the interests of democracy.