

Testimony of Mr. Geoffrey Blackwell
Member of Advisory Council for Native Public Media
“Digital Future of the United States Part II: The Future of Radio”
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Mr. Chairman and Members of the Committee, my name is Geoffrey Blackwell and I am honored to represent Native Public Media and the National Federation of Community Broadcasters at today’s important hearing on the Future of Radio. I serve on the Advisory Council of Native Public Media which is a project of the National Federation of Community Broadcasters.

I work as the Director of Strategic Relations and Minority Business Development for Chickasaw Nation Industries. Beyond my role with Native Public Media, I serve Indian Country as the Chairperson of the National Congress of American Indians Telecommunications Subcommittee. For almost six years, from January 2000 to October 2005, I also served as a Senior Attorney and Liaison to Tribal Governments at the Federal Communications Commission.

I am honored because the issues we are discussing today are so critical to Indian Country, and also because of my own personal experiences. I was born in Indian Country, raised to respect the cultural diversity, sovereignty and self-determination of American Indian Tribes and Alaska Native Village communities, and I know first hand the importance of access to media and other basic and advanced communications tools for Native peoples.

Mr. Chairman, Native Public Media represents the interests of 33 public radio stations serving Native Nations and communities throughout the United States. Native Public Media’s primary focus has been strengthening existing Native American and Alaska Native public radio stations and promoting ownership for more Native communities by serving as an advocate, national coordinator, and resource center. These stations serve as critical platforms for

education, dialogue, public affairs and culture. They play a strong role in language preservation and community building.

Native Public Media recognizes that profound changes are taking place in the way Americans use media, and is therefore focused not only on the needs of Native radio stations, but also on helping Native communities leverage new digital and wireless platforms that will make it possible to close the existing media divide. Ensuring that policymakers understand the impact of their actions on Native communities is critical to Native Public Media's efforts. Toward that end, Native Public Media respectfully submits these comments.

Radio is, at its essence, a communications tool. It's the most democratic of media, a technology that reaches virtually all of the American public. The distinction between commercial and non-commercial radio is stark. With few exceptions, commercial radio is, in this era of consolidation, fundamentally about trying to amass the largest possible audience within a specific target demographic in an effort to maximize advertising revenue. Non-commercial radio is essentially a platform for conversation. This conversation can range from a wide diversity of music to features on local political issues, high school sports to a pow wow.

The common thread is that non-commercial radio stations create programming not out of a need to make a profit, but rather as a means to communicate something meaningful to their audience. This is true of community stations across the country, and is especially true of the 33 stations that are part of Native Public Media. Their abiding commitment is to serving the diverse interests that make up their local communities, for example:

- On the Hopi Reservation in Northeastern Arizona, KUYI broadcasts a children's program every morning while the children are riding the bus to school. *Shooting Stars* was

produced at the request of these students and engages community members, including elders, to read children's stories in both the Hopi and English languages.

- Many Native Nations are on the front line of the war on illegal drugs, immigrant smuggling and terrorism. The Tohono Od'ham Nation which is located right on the United States-Mexico border relies on KOHN to keep its citizens informed of the latest national threat levels and local and Federal homeland security activities.

We come to you today with a series of reflections and recommendations about things the US Congress and relevant agencies can do to improve the status of non-commercial radio, particularly Native Radio.

First, Native Public Media would not exist without the critical early support of the Corporation for Public Broadcasting, which recognized the importance of the potential collaboration between Native stations. Native Public Media, formerly known as the Center for Native American Public Radio, was created with seed funding from CPB. CPB should be applauded for supporting this initiative, and deserves full funding from the US Congress.

Similarly, the Department of Commerce's Public Telecommunications Facilities Program (PTFP) is an extremely effective and important program that provides resources for public television and radio stations throughout the country to invest in equipment, upkeep and upgrades. Many native stations have been able to access these PTFP funds, with the help of Native Public Media.

Even small grants can make a big difference. For example, KILI, the Lakota radio station went dark last year after being struck by lightning. Native

Public Media provided KILI with proposal writing expertise that helped the station secure emergency funding from PTFP and CPB so that it could continue operating. Additional support was provided by the State of South Dakota.

CPB and PTFP are both important programs, and they deserve as much support as possible. It is important to note that some Native stations find themselves in a catch-22: much of their importance to their community is a direct outgrowth of the economic hardships facing their audience. These stations become even more important to listeners who do not have access to other sources of communications. Because of the economic and rural challenges associated with these audiences, however, developing a fundraising base similar to what we see with many leading public radio or television stations is simply not feasible. Therefore, coming up with the matching levels required to fully access CPB or PTFP funds is a significant challenge. Congress should consider creating additional pools of money set aside for stations such as these on need-based criteria.

One lesson we have learned in the past two years is that there is a significant data gap related to how Indian Country, and Native Americans in general, access and control media. There are many agencies in the Federal government that have a piece of the answer, but no one has the comprehensive story. Therefore, we propose the “Native Public Media Blueprint.” By working with Native Nations and organizations like the National Congress of American Indians, Native Public Media will conduct a complete inventory of how Native communities access and relate to media – both traditional media (like radio and television) and new advanced telecommunications services. This project will include a very specific list of recommendations on how to solve some of the communications issues facing Indian Country – a blueprint policymakers can use to significantly improve this situation.

In advance of executing the “Blueprint” we look forward to the FCC opening up a filing window for Full Power non-commercial licenses. We have identified at least 35 tribes who are interested in starting their own radio stations, and are continuing our outreach to many more. According to data compiled by the National Federation of Community Broadcasters, Native-owned radio stations account for less than .3% of the more than 13,000 radio stations in the United States. Of 562 federally-recognized Native Nations, only 33 hold licenses for public radio stations. What’s more, non-Native media outlets – even those that exist in markets with large Native populations or adjacent to reservations – typically ignore the needs of Native Nations. The vast majority of Native Americans have no access – or only limited access – to media that represents their voices, lives, interests and needs. For Native people across the country, media is not about having access to Big Media – it’s about having access to *any* media.

The FCC is currently preparing to lift the freeze on new noncommercial stations that has been in effect for seven years. While we eagerly await the window, it is crucial that there is adequate public notice to ensure that potential applicants have a reasonable amount of time to prepare their filing and take care of issues ranging from management structure to a fundraising plan. It is troubling that this opportunity to start a full power station is so rare, especially in the parts of Indian Country where spectrum is available and local radio non-existent. This upcoming filing window has been described as a “once in a generation” opportunity – it does not make sense to artificially limit the ability for Nations to create their own radio stations in those locations where the need is great and spectrum available. The FCC should implement policies to encourage, not discourage, successful non-commercial stations, especially where local outlets are lacking.

In one area the FCC has been limited by Congress in its efforts to extend non-commercial radio: Low Power FM. Seven years ago, Congress passed

legislation barring the FCC from implementing LPFM in urban markets pending further technical study. A third-party study submitted to Congress several years ago convincingly demonstrated that LPFM will not cause undue interference to existing stations. The FCC is eager to expand LPFM into urban markets, but Congress has yet to act on the findings of this study. So, while hundreds of new LPFM stations have been licensed in the rural parts of the country, including several Native stations, we are unable to reach the most concentrated populations because of Congress' failure to act. 2007 must be the year that Congress finally ends this unfair and counterproductive prohibition.

As other witnesses have discussed, technological innovation is changing the way that radio is created and delivered. Radio is evolving from a unique technology to a type of communication delivered by a variety of technological platforms. Native Public Media embraces this evolution, with streaming and satellite services reaching listeners across the world. Native servicemen serving overseas have written us to explain how moving it is to listen to live music and news from their home radio stations streamed on the Web. Congress must protect our basic ability to stream content or post podcasts at affordable rates without receiving prior consent from the major telecommunications providers.

HD radio holds the promise of providing new program channels but that promise will become a reality only if the FCC encourages broadcasters to use spectrum to serve the public interest. We also believe that having increased access to satellite services, irrespective of whether the XM and Sirius merger is approved, is an excellent way to reach the 60% of Native Americans who live in urban areas.

Finally, we want to reiterate the request made in our formal comments on ownership issues that the FCC hold an official hearing on media ownership issues related to Indian Country as they continue in their review of existing media ownership rules. It has been eight years since the FCC first held official hearings

looking into the state of telecommunications and broadcast issues in Indian Country. In that time the Commission has undertaken multiple efforts to work with Native Nations, and has won awards for its efforts to honorably effectuate consultation with Tribes to deploy critical services. However, it is time for a renewed look at the landscape, and in the context of the several media ownership hearings, it is appropriate to have a media ownership hearing that focuses directly on Native America as well.

Native Public Media has provided comment on the Commission's recent Media Ownership proceeding. We have also coordinated extensively with the FCC on outreach to Native broadcasters and Native Nations. Through its initiatives recognizing its special responsibilities and legal relationship to Tribal Nations, the Commission has held nine national and regional conferences, and workshop roundtables. At Native Public Media we look forward to a time when an FCC Regional Workshop and Roundtable can focus directly on Tribal broadcasting issues as well. However, we also recognize that it is time that these initiatives now seven years old receive a concrete commitment in the telecommunications and broadcast laws.

To effectuate the next level of technological change in Native America, Congress should provide customized tools to the FCC -- in the form of new legal authorities and directions based on basic recognitions -- to work directly with Native Nations, open new proceedings and create new rules to address barriers to entry and streamline regulatory processes. As Congress moves forward to address the legal framework in a world of technological convergence, we in Indian Country stand ready to provide you with workable solutions and meaningful processes to shift the paradigm productively and stimulate new services and subscriber levels in Native communities.

In considering solutions specific to Native broadcast ownership, the Committee must not lose sight of the fact that Native Nations are not simply part

of the minority community, but distinct legal, cultural, and political entities. Native Nations, as sovereign governments engaged in the exercise of modern self-determination, are responsible for the health, safety, education and welfare of their citizens. They are responsible for policing and securing the homeland within their borders, maintaining and sustaining their histories, languages, and traditions; and establishing and fostering healthy economies.

In closing, it has been a personal honor for me to be here today because of a promise I made almost four years ago to a social programs manager from the Fort Peck Assiniboine and Sioux Tribes, Ms. Patricia McGeshick, whom I came in contact with while I was at the FCC. Ms. McGeshick wanted to learn how the Fort Peck Tribes could start a radio station. She painfully explained to me how her Tribal community had lost multiple teenage Tribal members to suicide. The Tribe held an emergency session to discuss the root causes for the tragedies and to determine what the community could do to protect and provide for their youth. It was decided a stronger sense of community awareness, a stronger sense of pride in cultural heritage, was needed. One way to effectuate this was through a local Tribal radio station.

I promised Ms. McGeshick I would help her. A lack of licensing windows, funding resources, and potential partnerships committed solely to Tribal community-related content, conspired to deny the Tribes the ability to start a station. It is ironic that only two weeks ago while at a Tribal finance conference, I sat with leadership of the Fort Peck Tribes and we discussed yet again the potential of a radio station.

Too often this is the case in Indian Country. Our communities are not simply rural, but among the most remote areas of the nation. Lagging far behind national averages in telephone penetration rates, and distantly behind in broadband penetration, many areas of Indian Country have not been involved in the digital revolution. We intend to be.

With the goals of creating sustainable knowledge based economies, we face the several challenges in building capacities, deploying robust infrastructures and integrating critical emerging information and communications technologies. As this Committee and our federal government moves forward to examine additional critical telecommunications and broadcast issues, such as universal service and spectrum management and efficiency, we welcome you to call upon Native Nations.

Mr. Chairman, on behalf of Native Public Media, thank you again for the opportunity to testify today. I look forward to answering any questions you may have.