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## **Reinventing Media Activism:**

Public Interest Advocacy in the  
Making of U.S. Communication-  
Information Policy, 1960-2002

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## Introduction

In July 2001, a 27 year old Russian computer programmer named Dmitry Sklyarov came to the United States to speak at DEFCON, a hacker conference in Las Vegas, Nevada, where he discussed and demonstrated weaknesses in the security of Adobe eBooks.

Prompted by the software company Adobe Systems, Inc., the FBI arrested Sklyarov as soon as he finished the talk. The FBI claimed that the Russian citizen was violating the anti-circumvention features of the Digital Millennium Copyright Act (DMCA), a U.S. law. Because his demonstration program was available over the Internet to all countries, the FBI argued, he was subject to jurisdiction in US courts. Sklyarov was jailed in the United States for several weeks and detained there for five months.

Eventually Sklyarov was permitted to return home. An embarrassed Adobe Systems Inc. withdrew its complaint against him, and his employer, Russian software company Elcomsoft, was ruled “not guilty” in the DMCA-based lawsuit brought against it. But a just outcome in this case did not just happen. Sklyarov’s arrest galvanized simmering opposition in the U.S. against the DMCA, sparking three months of public protests, leafleting, letter-writing and Internet-based oppositional activities. Protest rallies and candlelight vigils were held in at least 15 major U.S. cities, as well as in Rome, London, Moscow, Geneva, and Edinburgh. A global Internet chat summit, allowing activists and the public to discuss the case in real time, was held in August 2001. Advocacy organizations such as the Electronic Frontiers Foundation offered their expertise, assisted with the litigation and promoted public mobilization. The Sklyarov incident, in other words, was more than just a legal drama acted out in the courts. It involved the mobilization of public opinion by dedicated activists and advocacy organizations.

This report is a long-term analysis of citizens’ collective action to influence public policy toward communication and information. In Chapter 1, we discuss in greater detail what is meant by communication and information policy (CIP) and why we think it is worthwhile to study it as a distinctive domain of public policy and citizen action. In this introduction, we want to focus on the concept of *citizen collective action* and explain why we studied it and what methods we used. We also provide a road map for the rest of the report, outlining what is in it and acknowledging what is missing.

This is the first of what will be two reports. This report concentrates on citizen action in the United States and looks backwards, tracing the long-term evolutionary trajectory of communications-information advocacy in the USA. The second report will concentrate on international institutions and transnational advocacy related to communication and information policy, and will focus more on contemporary activity and issue networks.

### ***Public Interest Groups***

In a free and democratic society, citizens influence the political process not just by passively voting every two or four years. They also organize to continuously shape policy

and legal outcomes, and to express their opinions to public officials so that the officials will make decisions that reflect their own needs, problems and interests. Most of this lobbying is driven by economic interests – individual business enterprises, labor unions, farmers, industry and professional trade associations, or other “materially interested” groups and individuals. But there are also citizens who organize to promote some concept of the public interest. These groups promote ideas, ideologies, values, policies, laws or regulations that they believe will benefit society as a whole. Jeffrey Berry (1977), following theory developed by Mancur Olson (1966), defines a public interest group as “one that seeks a collective good, the achievement of which will not selectively and materially benefit the membership or activists of the organization.”

Public interest groups focused on communication and information policy issues have existed for a long time. They can be liberal, conservative, socialist, non-ideological, something else. The American Civil Liberties Union, one of the oldest liberal groups, was formed in 1920 to promote freedom of expression. Public Knowledge, one of the newest liberal advocacy organizations, was formed in 2002 to resist overly aggressive intellectual property laws.

This report had its genesis in a realization that there was no long-term, strategic analysis of public interest advocacy around communication and information policy, despite the fact that philanthropic foundations and members fund such groups and many people join or support them. How effective has such advocacy been? What are its sources of strength and what are its weaknesses? How have changes in technology and political institutions affected modes of organization, the agenda of the advocates, and the ability of public institutions to incorporate citizen action into communication and information policy?

## **Methods**

To answer these and related questions, the report relied on three distinct methods:

1. An analysis of the long-term organizational ecology of public interest groups focused on CIP

Organizational ecology is a social science method that looks at organizations in a particular field as a population and analyzes how the size and composition of the population changes over time. Our research gathered data on the formation and disbandment of public interest advocacy organizations devoted to CIP issues in the United States from 1961 to 2002. That data permitted us to estimate changes in the size of the population, its ideological composition, which media or information policy issues the groups focused on, and which modes of advocacy were employed.

2. A quantitative examination of hearings and testimony on CIP issues before the U.S. Congress

We gathered comprehensive data about congressional testimony on communication and information policy issues in the U.S. Congress from 1969 to 2002. That data permits us to objectively measure the amount of Congressional activity on CIP issues in a given year, permitting analysis of how it changed over time and how the numbers compared to other

issue areas. It also tells us how often specific public interest organizations and the individuals who work for them have gained access to lawmakers.

### 3. A critical historical narrative

The report weaves a narrative around the quantitative data, tracing the evolution of citizen advocacy across the broadcast licensing challenges of the late 1960s and 1970s, the telecommunication regulation revolution of the 1980s, the battles over privacy and Internet censorship of the 1990s and the conflicts over digital intellectual property and media concentration in the 2000s.

As far as we know, this is the first study to apply the tools of organizational ecology specifically to communication and information policy, and it is also the first to utilize recently developed data sources on congressional hearings in that policy domain. Although based on quantitative social science methods, the report is written to be accessible to ordinary readers interested in communication-information policy. We believe the report will be of interest to advocates, activists, lawmakers and policy analysts as well as scholars in information and communication policy, political scientists, and students of social movements.

### ***Limitations of the study***

No study of complex, long-term social phenomena is complete or perfect. Many things are missing from this study; in the discussion below we identify some of these gaps.

First, we were only able to focus on a particular type of public interest advocacy. During our research, we came to understand that activism occurs on two levels. At the grass roots, there exists a buzz of loosely coordinated communications, meetings, demonstrations and cultural activities based upon interpersonal networks. This might involve participating in a local demonstration, attending a meeting, handing out leaflets on the street or at a shopping mall, or just persistently promoting one's political views among friends and colleagues. We refer to this type of activity as *activism* or *social movement activity*. At another level, there are formally organized citizens groups that interact directly with the policy, law, and regulation-making apparatus of the government. We refer to this type of activity as *advocacy* and see it as rooted in *advocacy organizations*. Advocacy organizations attempt to directly influence what happens in Washington, DC or other governments, and as such must participate in making the bargains and trade-offs that define public policy in a given domain.

This report focuses almost entirely on the formally organized advocacy groups. We did not have the time or resources to also study the grass roots and local manifestations of activism in a comprehensive, empirical way. Nevertheless, we realize that there is a symbiotic relationship between these two levels of citizen action. Social movement activities are based on communities of the like-minded – subcultures or ideologies that are based on shared norms and values more than on support for specific policies or laws. Activism of this kind tends to be more fluid and ephemeral, less formally organized and almost always less well-funded than national advocacy organizations. Nevertheless, it plays a critical role in creating and sustaining political demand for (or against) public

policies. Advocacy organizations on the other hand are more in the business of translating the demands of constituencies into specific laws and regulations – and must also deal with the problems of sustaining the organization itself. They provide a critical and unavoidable interface between social movement activity and political decision makers. Like social movement activists, advocacy groups also seek to generate demand for their policies, but in order to do so they need to mobilize activists and the social networks that sustain them. Very few, if any, organizations bridge the two functions.

Another important limitation of this study is that we were able to touch on the influence of ideas, intellectual movements, think tanks, and foundation funding sources only in passing. As was the case with social movement activity, the more we looked into public interest advocacy groups the more we understood that there was a relationship between the formation and disbandment of these groups and the diffusion of policy ideas and political ideologies, which in turn are related to philanthropic giving and foundation grants. Our attempt to quantify the population and testimony of advocacy groups did not make it possible for us to also trace these relationships in any detail. However, by treating one aspect of the phenomenon of citizen collective action thoroughly, we believe that we have made it easier for other researchers to fill those gaps.

Finally, with respect to the historical narrative we acknowledge that this narrative, like all others, is selective. Those familiar with the details of any given time period, group or event are almost certain to find things missing that they think are important. We encourage such readers to give us feedback, by means of the comment mechanism associated with the report's web site.

## ***Overview of the study***

### Chapter 1: A Vision of the Policy Domain

We define and defend a vision of *communication and information policy* (CIP) as a comprehensive and integrated policy domain. We also define and describe the three primary modes of advocacy around CIP issues.

### Chapter 2: A Goal: Institutional Change

We draw on theories of institutions and institutional change to provide a framework for the report. We assert that the concept of institutional change provides both a *goal* for specifying what citizen collective action could achieve, and a *benchmark* for assessing its historical impact.

### Chapter 3: A Bird's Eye View: Four Decades of Congressional Activity and Interest Group Organization in CIP

We present a macroscopic overview of the quantitative data. We show how the population of public interest advocacy groups has changed over 40 years and the growth in Congressional hearings on CIP from the 1960s to the present. We compare and contrast the public interest organization population with the population of commercial and professional advocacy organizations over the same time period.

### Chapter 4: The 1960s and 1970s

We describe and assess the mass media activism of the mid-1960s and 1970s, the period of the most rapid rate of growth in the population. We show that most advocacy at this time focused on broadcasting and cable TV. We discuss four major institutional changes in CIP that occurred in this period, with or without the advocates' participation.

#### Chapter 5: The 1980s

We describe how the 1980s was characterized by major changes in both the political climate and the type of communication-information policy issues under consideration. We document the appearance of computer professionals and technologists organizing around computer-related policy issues in the organizational population for the first time.

#### Chapter 6: The 1990s and early 2000s

We show how digital technology became the focal point of institutional change in CIP, leading to an explosion of Congressional activity, bringing in a new generation of advocacy groups and creating a major change in the composition of the advocacy organization population.

#### Chapter 7: Conclusions

We attempt to summarize our findings and draw some conclusions about the future of CIP advocacy organizations and their policy agenda.

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