

**New Media and Democratic Accountability:
The Impact of Government Access TV**

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ABSTRACT

Government-subsidized and controlled public affairs TV, which I refer to as “government access TV,” usually features coverage of legislative bodies such as the United States Congress, state legislatures, school boards, and city councils. It is often described by drawing an analogy to C-SPAN.

Public meeting TV, the core of government access, impacts democratic accountability in different ways depending upon particular circumstances. Significant variation in the circumstances in which public meeting TV is implemented makes it hard to generalize about its overall impact. Despite such complications, public meeting TV on average appears to make a slight contribution to democratic accountability. Nevertheless, it may be most accurate to think of public meeting TV as primarily a consequence, rather than a cause, of democratic accountability.

In light of the Internet and other new information technologies, the public meeting needs to be fundamentally redesigned to serve as a better forum for democratic deliberation. A well-designed public meeting system must be centered around creating a forum for opposing views to those of the majority. It also must facilitate low-cost viewing and participation by the public.

Since 1972 government-subsidized and controlled public affairs TV has been gradually expanding toward covering every nook and cranny of United States government. This type of TV, which I refer to as “government access TV,” usually features coverage of legislative bodies such as the United States Congress, state legislatures, school boards, and city councils. It is often described by drawing an analogy to C-SPAN—e.g., the programming is “C-SPAN-like.”

By the end of 1997, in addition to C-SPAN at the national level, 19 states and approximately 2,800 communities offered government access. C-SPAN and 12 of the 19 states also provided government access on demand via streaming audio and video over the Internet. With streaming media, the audience does not have to download a program before viewing it. This greatly increases the efficiency of Internet viewing.

With the exception of C-SPAN, scholars have given little attention to the growth and impact of such TV coverage. Reasons for this neglect may include a traditional focus on national mass media, minimal promotion and visibility for government access within the commercial media, the difficulty of getting community-level data on government access, and the prevailing sense that since few people watch government access, it’s not politically important.

Of particular importance is the presumption that government access at the state and local level both does and should follow the widely admired example of C-SPAN. This presumption, while not without merit, has two major flaws. First, C-SPAN is the product of unique economic and political forces that rarely apply at the local and state levels. Second, C-SPAN has successfully cultivated myths about itself that, while perhaps commercially and politically astute, provide a faulty model for understanding either what government access does or should do.

My interest in government access originated when I served on a televised school board in the early 1990s. I observed that only a tiny fraction of the community watched school board meetings on TV, yet the school administration and board seemed acutely sensitive to and fearful of the TV cameras. Later, Vermont's Secretary of State appointed me chair of a task force on information, technology, and democracy. A chief recommendation of the task force was for a "V-SPAN" in Vermont. The speaker of the Vermont General Assembly objected to the proposal, and it was never implemented.

This study is also based on evidence from annual conventions of the Alliance for Community Media ("ACM"—the trade association for public, educational, and government access managers), the National Association of Telecommunications Officers and Advisors ("NATOA"—the trade association of city officials responsible for government access and other local telecommunications), State Public Affairs Television ("SPAT"—the trade association for managers responsible for state government access), and state chapter meetings of both ACM and NATOA. I produced and moderated panels at the ACM annual meeting on "Developing Ethical Guidelines for Government Access" and at the NATOA annual meeting on "Government Access at the National, State, and Local Levels." I interviewed dozens of local government access managers, a half dozen at the state level, and more than a dozen C-SPAN staff members. I spent several days observing C-SPAN operations at C-SPAN headquarters in the fall of 1996. I gathered unpublished surveys regarding government access from municipalities, cable operators, franchising consultants, and state governments. I also administered my own surveys regarding government access to members of ACM, NATOA, and SPAT; to city councilors throughout the state of Vermont; and to a random sample of residents in the city of Burlington, Vermont.

Literature Review

Government access TV at the state and local level has remained all but invisible to scholars (Snider 1998). The scholarly literature within the United States focuses almost exclusively on C-SPAN (e.g., Frantzich and Sullivan 1996; Clancey 1990; Fenno 1989; Cook 1989; Hess 1991). Little attempt has been made to analyze the circumstances under which government access enhances or diminishes democratic accountability, and the various mechanisms by which government access can exert influence.

The non-scholarly literature on government access is vast. Many of the thousands of local government access stations across the United States periodically testify or submit reports to city councils or other government bodies justifying taxpayer support for their existence. The many state government access stations also must point to positive public benefits in order to secure funding. Perhaps partly as a result of scholarly inattention, the reasoning used to support and oppose government access varies widely and is highly anecdotal. No systematic and comprehensive framework has been used to conceptualize the impact of government access on democratic accountability.

Both scholarly and non-scholarly attempts to analyze and quantify the effects of government access have drawn heavily from the stock methods used by mass media scholars. These methods include measurements of audience size and representativeness compared to the general public (e.g., Frantzich and Sullivan 1996; Clancey 1990). The value of these methods is considered self-evident. But, as I argue, it is questionable whether these are sufficient or even appropriate yardsticks by which to measure the impact of government access on democratic accountability.

For example, what does a large audience imply? Does it imply enhanced or reduced democratic accountability? Is government access merely a platform for incumbents' political propaganda or is it something more? What exactly do people learn by watching government

access? Are they learning about issues? candidates? the commercial media? the process of government? Under what circumstances do these different types of effects occur?

There is a large literature on the effects of media on politics (Graber 1993; Alger 1996; McQuail 1990) and more specifically on legislative politics (e.g., Cook 1989; Hess 1991; Mann and Ornstein 1994; Uslaner 1993). As is well understood, the effects of a given medium depend on many particular circumstances. But these circumstances and effects are not well understood for government access. These circumstances and effects substantially vary not only among government access entities but between government access and better known media. In particular, it is not often recognized that although government access is a form of TV, it may have more in common with public records media than mass media. Government access needs to be conceptualized as a unique blend of the two types of media that is unprecedented and calls for novel methods of analysis.

Scope of Inquiry

My inquiry into the impact of government access focuses on public meeting TV. Public meeting TV was chosen because it is the most distinctive and widespread programming carried on government access. In the words of C-SPAN, “C-SPAN’s first and primary goal is to show viewers live, gavel-to-gavel coverage of the U.S. House of Representatives and the U.S. Senate”(All About C-SPAN, 1996). Moreover, the principles that apply to analyzing the impact of public meeting TV tend to apply to other forms of government access programming. Nevertheless, it is important to keep in mind the limited scope of this study. In one place or another, government access TV provides almost all types of public affairs programming, including talk shows, candidate debates, election results, news, book reviews, press conferences, think tank conferences, public service announcements, and candidate position statements (called “ads” in commercial media).

The extent and impact of these other types of programming, although beyond the scope of this research, are also worthy of study. For example, there is currently a national debate taking place about whether TV broadcasters should be required to provide free airtime for political candidates as the quid pro quo for the tens of billions of dollars worth of digital spectrum granted to them in the Telecommunications Act of 1996. Both proponents and opponents of free airtime appear not to recognize that the idea has already been widely implemented across the United States at a local level. Probably more than a hundred local communities currently allow candidates to make free position statements on government access. At least one state also provides a voter guide including candidate position statements.¹ Too often national policy makers and political communication scholars think that only foreign countries—for example, democracies with a socialist bent—provide significant public subsidies for public affairs TV programming.²

In analyzing the impact of public meeting TV on democratic accountability, I have tried to identify key questions and, where possible, suggest tentative answers. The questions are: 1) Is there an invisible hand connecting elected officials' selfish publicity motives to the common good? 2) What is learned from public meeting TV that might contribute to the democratic process? 3) How is it learned? 4) What is the quality of what is learned?, 5) Which government actors win and lose? 6) What is the effect on democratic deliberation? 7) What is the overall impact on democratic accountability? 8) Is public meeting TV a cause or consequence of democratic accountability?

Is there an invisible hand?

A common fallacy is to assume that since legislators have a conflict of interest in setting up government access TV, they necessarily create a system of government access that serves as a PR vehicle at the expense of democratic accountability.

Let us take as a given that legislators, like most individuals, are motivated by self-interest, not the public good; furthermore, let us assume that it is in their self-interest to use public meeting TV to reduce, not increase, democratic accountability. The type of question legislators presumably ask of themselves in using this new medium is not “how can we use this to reveal our flaws” but “how can we use this to provide us good publicity.” For example, in looking over dozens of documents used to win city council and state legislative funding for public meeting TV, not once did the author see enhancing electoral competition as a reason given for the funding request.

Nevertheless, it can be a great mistake to infer outcomes from motivations. For example, capitalism is premised on the notion that the public can benefit even if each individual is only motivated by his own self interest. The “invisible hand” of competition transforms greed into socially beneficial behavior.

Likewise, American government has set up a huge public relations infrastructure of which public meeting TV is a part, albeit a very small one. Indeed, much of what passes as political news in the United States, especially at the local level, is little more than government PR with an editorial gloss. However, the system often makes a valuable contribution to democracy for a number of reasons: First, there is often vigorous competition among government voices. Senator A’s press secretary may say “X” but Senator B’s press secretary may say “Not X.” The Democrats may say “W” but the Republicans “Not W.” Congress may say “U” but the President “Not U.” In other words, the self-serving comments of different politicians and institutional players tend to cancel each other out and collectively lead to robust debate. The American system of checks and balances and decentralized power means a fragmented, not monolithic, set of government voices.

Second, governmental voices can provide valuable competition to private voices. As one government access manager said: "Government has its First Amendment rights, too." Private voices from interest groups, community organizations, and the media can be as motivated by self-interest as governmental voices. The marketplace of ideas is not judged by the motivations of its individual members but by the outcome of the interchange of those members. Governmental voices can provide a valuable addition to that interchange.

Third, public affairs channels funded by private industry may be subject to political considerations not that different than elected officials. Consider C-SPAN. Not only does it cover meetings at the whim of Congress, but it receives large indirect subsidies from the federal government. The government provides free televised feeds of congressional meetings (which C-SPAN enriches and distributes), free office space next to the House and Senate chambers, free support staff for its reporters and camera crews, free use of conduit running throughout the Capitol, and many other exclusive privileges reserved for the elite news media. Most important, it receives most of its direct funding from cable operators, and its board of directors is dominated by the senior executives of major United States cable companies. The cable industry has repeatedly used Brian Lamb and C-SPAN in its high-stakes congressional lobbying efforts (The profitability of the \$20+ billion cable industry is largely determined by congressional policy). To my knowledge, C-SPAN has never blatantly used its public affairs coverage to slant an issue in favor of the cable industry, but C-SPAN is obsessive in making sure it does not do anything that could offend congressional incumbents concerning what they really care about: the information that gets to their constituents back home. C-SPAN's bias is not ideological or partisan, simply pro-incumbent. As long as the cable industry uses C-SPAN to curry favor with Congress, it is

hard to imagine that it would ever use its technology in creative ways to enhance democratic accountability.³

Fourth, governmental voices have the same need for credibility that private voices have. Without credibility, there is no point in communication because messages are not believed and audiences vanish. This provides an important check on the type of self-serving information that government can generate.

Fifth, the ability to claim and receive credit for an action can be a powerful motivator; legislators would undoubtedly do less in their constituents' interest if they were not given opportunities to toot their own horn.

Sixth, without government subsidies, the public would miss out on much valuable information because the market for political information is often characterized by market failure. Private media simply lack a profit motive to gather and distribute much information of social value.

Seventh, it is possible for legislators, in their search for credibility, to set up independent administrative and funding mechanisms that diminish conflicts of interest by replacing them with checks and balances. An example would be the Federal Election Commission, which provides public funding for presidential contenders to communicate with the public. Many people consider such public funding of presidential campaigns to be fair and beneficial, at least in comparison to the alternative of funding by private special interest groups. Similarly, public TV is funded via the Corporation for Public Broadcasting, a buffer institution designed to minimize legislators' conflicts of interest. Many people consider the McNeil-Lehrer News Hour on public TV (and its cousin, All Things Considered, on National Public Radio) to be among the finest sources of public affairs information in the United States.

A consequence of such considerations is that we must be cautious about prejudging public meeting TV based on the likely motivations of legislators. The focus should be on impacts, not motivations. The inability to recognize the paradox that motivation does not necessarily imply impact is the source of much of the shallow thinking about the design of formal systems of democratic deliberation.

What is learned?

There is much confusion about the type of information learned from watching public meeting TV. Here we will divide the types of learning into two categories: learning about the legislature (direct learning) and learning about intermediaries (indirect learning). Legislative learning includes learning about public policy, candidates, and civics. Intermediary learning includes learning about the media, interest groups, opposition candidates, official transcribers of meeting minutes, and anybody else who serves as an information record keeper and filter for the public.

One common fallacy is to assume that the focus of TV coverage—i.e., direct information about the legislature—is necessarily the most important information learned. Another similar fallacy, even more restrictive than the first one, is to assume that what is discussed during legislative discussions—i.e., public policy issues—is necessarily the most important information learned. While issue learning and legislative learning can indeed be important types of learning from public meeting TV, an exclusive focus on them can be misleading.

The primary reason we should be skeptical of issue learning is that it is extraordinarily time-consuming compared to the other types of learning. Voters tend to economize on the political information they gather. Evaluating hundreds of separate issues tends to be less efficient than evaluating a handful of competing candidates. Delegating the

costs of monitoring public meetings to the press tends to be more efficient than bearing them oneself (Downs 1957; Popkin 1991).

In winning support for public meeting TV coverage, government access managers tend to emphasize issue learning over candidate learning or media learning. One reason for this appears to be that public officials and the media are important allies of public meeting TV. Emphasizing that public officials and the media are being made more accountable is probably not a politically astute selling tactic. Emphasizing that the public is learning about “issues” does not alienate these key allies. A problem occurs, however, when resources are allocated to enhance issue learning at the expense of candidate and media learning.

Issue Learning

Public meeting TV is an opportunity for the public to learn about public policy issues. However, only a tiny fraction of the public will watch a typical public meeting on TV. Most people consider the typical televised public meeting to be among the most boring TV programming available in the world. Even in a city of 50,000, the number of people who watch a four hour city council meeting from beginning to end can probably be counted in the single digits. However, there appear to be two significant exceptions to this rule. First, a small fraction of public meetings become great public events. At the national level, these include the McCarthy hearings on communism, the Kefauver hearings on organized crime, the Watergate hearings, the Iran-Contra hearings, the Clarence Thomas hearing, and the O.J. Simpson trial. At the state and local level someone can also usually point to a hearing with an unusually large viewership, perhaps even competing with commercial TV.

Second, small towns of under 10,000 tend to have a much higher rate of viewership than large cities or other larger political districts. There appear to be two reasons for this: First, there are fewer competitive media outlets. In New York City there are numerous TV

stations, radio stations, and newspapers that provide high quality and efficient coverage of local politics. There is little compelling reason to tune in to the local government access channel. In a small town, however, there will be few media that cover local politics. TV and radio reporters will be all but non-existent. The local newspaper reporter might be 22 years old, inexperienced, and cover a half dozen different beats over a half dozen communities. Public Meeting TV is more likely to be one of the few reliable sources of information on local politics. Second, people are more motivated to watch public meetings on TV in small communities. They are more likely to know the politicians; many will have grown up with them. And they are more likely to understand the issues and be interested in them because they pertain to their own neighborhoods.

Although average citizens will rarely learn about a given issue debated on public meeting TV, issue learning does take place on a regular basis for a small but influential group of intermediaries who are “government access junkies.” Insofar as these intermediaries vote in disproportionate numbers and report their findings to a larger public, it can be said that issue learning is an important type of learning from public meeting TV.

Civic Learning

Public meeting TV can provide a valuable civic lesson on how government works. For example, those who might want to testify before a local school board or city council can learn how it is done. Citizens can learn about the general caliber of public deliberation and their representatives. The most important civic education may be done by a narrow group of activists or potential activists. It appears that many people that eventually run for office in local government spend a lot of time watching public meeting TV. Most notably, the viewership often comes before they decide to run for office or even contemplate that they are the type of person that would want to be a politician. A typical decision making process is

that a person already quite interested in public affairs watches her government in action, does not like what she sees (or at least is not intimidated by it), and comes to the determination that she could do a better job. As such, public meeting TV provides an important political recruitment function. By inexpensively (and anonymously) providing a valuable civic lesson, it can significantly reduce the entry barrier to getting involved and competing effectively in politics. C-SPAN's Brian Lamb tells how Representative Richard Arme y, the current Republican whip of the United States House of Representatives, credits C-SPAN with such a role:

‘C-SPAN changed my life,’ says Rep. Richard Arme y.... As a result of few years of intense C-SPAN viewing, ‘I gave up the most secure position in the world, that of a tenured college professor, to enter the first political race of my life.... I was always asking what those darn fools in Washington were doing when I saw the policies that were made. I had no idea how they did what they did, but I knew I wasn't happy with what I was getting.’

But watching Congress on television—something Rep. Arme y was able to do after subscribing to cable—helped to demystify the workings of Washington, which had always seemed a remote and inaccessible place to him. His C-SPAN viewing became an everyday affair. ‘I watched everything I could,’ he says.... ‘And I began to feel a more intimate relationship to the process. I began to understand that these folks weren't bigger than life, and that, in fact, most of them weren't bigger than me.’

But one thing bothered Dick Arme y. After seeing hours of debate, he was convinced that he could make the arguments better than anyone else he had seen on the House floor. ‘I finally just said, the job's not being done right. I need to go do it myself. I wouldn't have known that if I hadn't been watching day in and day out as I did.’ (Lamb 1988)

Candidate Learning

Public meeting TV is an opportunity for the public to learn about how well their elected officials are representing their interests. According to this learning model, the issues involved in a public meeting simply become cues that voters can use to evaluate their representatives. A consequence is that high volume viewing is not necessary for a significant impact. Citizens can take a small but random sample of their legislators' actions

to determine if they are likely to act in their interest. What counts is not *program viewership* (e.g., Nielsen-like ratings of how many households watch a particular meeting on a particular night) but *cumulative viewership* (how many people sample public meetings between elections). Whereas a program viewership survey might show a rating of under 1%, a cumulative viewership survey might show a rating of over 50%.

It may be that in this area elected officials have the strongest incentive to abuse public meeting TV by turning it into a sort of video press release or free advertisement. Indeed, at the national level, this is one of the prime uses for television footage of public meetings. It is common while the U.S. Congress is in session for 50 or more senators per week to request copies of their own Senate floor speeches, mostly to send home to their local TV broadcast outlets. The type of message given here is that we are working hard (e.g., no visible snoozing during hearings); we are working professionally (e.g., we are well-groomed and well-dressed); and we are working in your interest (e.g., we never discuss anything controversial on TV).

A paradox of candidate learning is that the smaller the audience the larger the likely PR effect. The message incumbents want to give is that everything is okay. If the public scans public meeting TV and never see anything that would lead them to infer that their representatives are not acting in their interests, then they have no reason to watch further. Such a PR effect is easy to achieve if a public body lacks an active opposition that will bring up controversial issues in public. Downs explains the logic of such a PR equilibrium in the context of choosing a political party (see also Popkin 1991):

[S]ome rational men habitually vote for the same party in every election. In several preceding elections, they carefully informed themselves about all of the competing parties, and all the issues of the moment; yet they always came to the same conclusion about how to vote. Therefore they have resolved to repeat this decision automatically without becoming well-informed, unless some catastrophe makes them realize it no longer expresses

their best interests. Like all habits, this one saves resources, since it keeps voters from investing in information which would not alter their behavior. Thus it is a rational habit. (1957)

Media Learning

A major benefit of public meeting TV is that it allows the public to gauge the accuracy and judgment of the reporters who cover local politics. On a major story such as a budget hearing on a tax referendum, the viewer can listen to the original unfiltered account and compare it to the account in the newspaper the following day. Once viewers know the reporter's biases, they can more effectively calibrate newspaper reports with this information in mind. In small communities this appears to be a popular reason elected officials support public meeting TV. Most elected officials have been burned by a reporter's inaccurate account of a meeting. The official can complain about the local reporter but the complaint is less likely to be credible if the public cannot see with its own eyes how the local reporter distorts news. If the elected official does not have faith in the competence of the local reporter, public meeting TV may be one of the few ways around that reporter. Public meeting TV, especially when combined with video record keeping, creates a strong incentive for more accurate journalism. When the public can compare what actually occurred to what reporters said occurred, reporters who care about their own reputations for accuracy have a strong incentive to reduce any discrepancies. Those who want to threaten libel also have a potent new weapon: they can compare printed quotes to the video record.

A vivid example of using government access to keep the media accountable occurred in Burlington, Vermont. Paul Teetor, the city council reporter for the Burlington Free Press, wrote an article about a public hearing that was hotly disputed by some of those attending. The Burlington Free Press reviewed the tapes of the hearing and fired the

reporter. The case received national attention, reported in both the Wall Street Journal and the Boston Globe.⁴

Print Records Learning

An important benefit of public meeting TV is a greater ability to assess the accuracy of official print records of meeting minutes. Print records remain the exclusive official records of the vast majority of public meetings in the United States. Print records are unlikely to ever disappear because video records are ideally a complement rather than a substitute for print records; the quality of one is integrally related to the quality of the other.⁵ At a minimum, print records serve as a necessary index for viewing video records. When entered into an electronic database, print records remain an unrivalled vehicle for efficiently accessing information.

Video records are different than print records in that they are usually more comprehensive and accurate. Except at the highest levels of government, print records are rarely comprehensive accounts of meetings. Instead, they are highly condensed and subjective accounts of the most significant events that took place at a meeting. It is quite possible that the official print record will not even mention the most important issues discussed at a meeting.

A consequence of having a definitive video record to compare with an official print record is a greater incentive to prepare a more accurate print record. At the national level, for example, the Congressional Record is the print record, as well as the official public record, of proceedings on the floor of the House and Senate. An official congressional guide to the 105th Congress describes the Congressional Record as “a verbatim account of everything said.” In fact, this has never been the case, although in the 104th Congress the House passed a law making it substantially true. Members of Congress routinely edit the

Congressional Record before it is published. Some of the corrections are fairly harmless: poor diction is improved and faulty facts corrected. But it is still possible in the Senate to use the Congressional Record to cover up mistakes and rewrite history. For example, in early 1998 a member of the Senate made a disparaging comment about another member. The member who made the disparaging comment edited it out of the Congressional Record. The only way for the disparaged member to find out what was said was examine the video record. The creation of a video record makes a post facto rewriting of print records a potential source of embarrassment. Any such correction has the potential to highlight the original mistake. This has tended to put a rein on such rewrites (Frantzich and Sullivan 1996, p. 341).

The importance of a video record may be even more important at a local and state level where print records are notoriously incomplete and meetings that are officially designated as “public” are in fact essentially private, sometimes of just a handful of people. At a local level, a printed version of a four hour public meeting may be no more than one printed page made available to the public many weeks after the meeting. The printed record may be written up in such a way that it has little bearing on the important events that actually transpired at the meeting. Again, the potential embarrassment factor created by a video record may help to keep the print record within reasonable bounds of accuracy.

How is it learned?

We may distinguish two different dimensions along which information flows. The first dimension, one-step versus multi-step information flows, refers to the existence of intermediaries between the source and receiver of information. The second dimension, actual versus potential information flows, refers to the fact that the existence of information can have a deterrence effect even if it is not watched (see Figure 1).

Surveys purporting to measure the impact of public meeting TV typically focus on actual one-step information flows—i.e., the size of the actual viewing audience. *Ceteris paribus*, the more people who watch a particular program, the more influence it has. But measuring the impact of public meeting TV by the size of its actual viewing audience can be highly misleading, for it ignores the importance of both multi-step and potential information flows.

Given the reality that most public meeting TV does not attract a mass audience and probably never will, public meeting TV may exert its greatest influence through multi-step and potential information flows. Such information flows would make the most efficient use of the voter's resources, but they are also the types of information flows public meeting TV is often designed to minimize.

Enter Figure 1 about here

Actual One Step

In an actual one step information flow (Figure 2) the public learns about public meetings directly via its TV coverage. Nielsen's viewership ratings, used to determine advertising rates for commercial TV, provide this type of information. The larger the audience with the demographics in which the advertiser is interested, the greater the advertising rate.

Many city officials use this type of audience information as the centerpiece of their assessment of whether government access is worth funding. As a consequence, those that run government access stations are usually under pressure to inflate audience ratings. One reason that one step information flows are elected officials' favorites is that they are easiest to measure and defend. Most people assume that if a program has a large audience, it must be providing a valuable service; and, vice versa, that if a program has a small audience, it

must not be providing a valuable service (e.g., if no advertiser would be willing to pay for the program, it must not be worth government funding).

Another reason for the favored status of one step information flows is that they are uniquely well-suited to PR. Unfiltered by journalists and other intermediaries, they give elected officials the most control over the information the public receives. They provide name recognition not only at public expense, but, when potentially damaging two step information flows are outlawed or rendered impractical, with minimal risk.

Public officials frequently use small viewership to justify selective coverage of public meetings; for example, cover only some meetings of a school board or cover only meetings of the board as a whole rather than committee meetings. An irony is that they are likely to use the low viewership excuse to exclude those meetings discussing controversial subjects that would have actually had the largest audiences.

Enter Figure 2 about here

Actual Multiple Step

In an Actual multiple step information flow (Figure 3), intermediaries monitor public meeting TV and only relay the highlights to the public. For example, members of Congress monitor their own statements and send highlights to local TV stations that cannot afford Washington correspondents. Far more people may watch the highlights on commercial TV than the original footage on public meeting TV. Similarly, the media and interest groups use public meeting TV to monitor government and report only highlights to their respective constituents. In small communities, the most important intermediaries may not represent any type of organized group or elite. For example, someone happens to observe the city council voting on something of interest to other members of the community. This could be a vote on closing a nearby fire station, installing bright night lights at a nearby

athletic field, or building a nearby dump site. That person then alerts neighbors and other interested individuals of the city council's discussions and soon a large number of people are involved with an issue that otherwise would have been invisible and ignored.

Political opponents are an especially important category of intermediary for the democratic process. Take the case of the city treasurer who accused the school superintendent of lying about the budget in preparation for a tax referendum. The superintendent denied the charge. Both the treasurer and superintendent went before the local newspaper's editorial board. The superintendent repeated his story but then the city treasurer pulled out videotapes of meetings, which he had taped on his home VCR, that proved the superintendent had been lying. The newspaper endorsed the city treasurer and the school budget went down to defeat. The superintendent also lost the confidence of both the school board and community, possibly contributing to the non-renewal of his contract several years later. In this city, very few people watched the relevant public meeting on TV. Even fewer could remember what was said. Yet the existence of a multistep information flow, made possible by an authoritative record, led the superintendent to pay dearly for his lie and had a significant impact on the community (Snider 1996). The resistance of most legislatures to keeping thorough and easily accessible records of public meetings means that these multiple step information flows are dependent on the intermediary watching public meetings as they take place. Research after the fact to assess the honesty or competence of what happened at an earlier public meeting, then reporting the results to a larger public, is often nearly impossible.

Enter Figure 3 about here

Potential One Step and Multiple Step

In a potential information flow (Figure 4)⁶, elected officials anticipate the likely reactions of intermediaries and the public and tailor their behavior accordingly. What counts is not what the public knows but what it might know. The significance of public meeting TV is that it affects the probability that the public might come to know something. When potential information flows are strong, the public can rarely if ever watch public meeting TV, but it can nevertheless have a large impact. Public meeting TV becomes a deterrent to bad behavior rather than a source of actual retribution for bad behavior.

United States defense policy is analogous. The United States spends close to \$300 billion per year so that it never has to actually fight a war. The most successful defense policy is one that deters a war rather than one that successfully wages a war. Having billions of dollars of personnel and hardware doing absolutely nothing, simply fighting psychological wars with no physical counterpart, is not only an acceptable but an applaudable, if initially nonintuitive, use of public resources.

Potential information flows help explain an apparent paradox of political behavior. Elected officials often act in their constituents' interest even if constituents are oblivious of their actions and special interests are applying pressure for them to do otherwise. The explanation for this paradox is that representatives are not necessarily concerned about what their constituents presently think. Of central concern is how an opponent at the next election could potentially bring up an issue that shows the representative acting against his constituents' interest. This threat is enough to deter the representative from acting against his constituents' interests. But for this mechanism of accountability to work, there must be an indisputable record of the representatives' action which the political opponent can use. This is where public meeting TV and video records come in. They create such a potential

flow of information. They increase the cost of lies and incompetence and acting against the interest of constituents (Kingdon 1989; Arnold 1990; Snider 1996).

Enhancing potential information flows is probably the most efficient mechanism by which public meeting TV could make its greatest contribution to democratic accountability. Therefore, one remarkable aspect of public meeting TV is that elected officials have gone out of their way to eliminate potential information flows, in part by greatly restricting the ability of political opponents to use public records of public meetings. At a local level, there are a number of ways this has been accomplished. Many public bodies do not keep any tapes of public meetings. Others keep them but destroy them after a short time, often 30 days. Few tapes are kept well indexed and in an easily accessible location. Some are kept under lock and key by a person who reports to a public official and will use requests for public records to give that public official advance warning of potential political enemies and issues for which he will need to create political cover. Few public bodies allow anonymous access to tapes—e.g., through a public library. Most videotapes of public meetings must be purchased and at prices well above marginal cost, thus discouraging extensive use.

The cost of maintaining video records is invariably given as the main reason for not keeping good public records. But this is just another way of saying that video records are a very low priority—or even a negative priority—for most public bodies. For a typical suburban city council that meets twice a month for five hours on average, it costs about \$120/year (120 hours/year @ \$1/hour) to keep a comprehensive record of its meetings on VHS quality tape. Out of a total government access budget that may run in the hundreds of thousands of dollars, including a \$30,000 van, \$20,000 of camera equipment, and \$10,000 for a digital editing suite, this would not seem like an enormous expense. Somehow the small town of Middlebury, Vermont (population 8,397) finds money to keep five years of

tapes (with printed minutes) of every public meeting in the public library (allowing anonymous tape retrieval), but communities 100 times their size find this prohibitively expensive to do.

One reason for the poor video records may have little to do with politics. The people who operate public meeting TV are rarely political hacks or political activists of any stripe. They did not get into public meeting TV because they are interested in democratic accountability or pursuing a political career. They got into public meeting TV because they had ambitions to become commercial video producers. Their natural inclination in pursuit of this career goal is to spend money on sophisticated equipment and professional looking broadcasts that flatter their subjects. Asking them to spend money and time preserving video records would be like asking them to admit they had failed in their lifelong ambition; it would be like asking them to become the blue collar garbage collectors of the video world. On the other hand, it may be more than a coincidence that those who are hired to operate public meeting TV share the politicians' visceral dislike of public records.

At the state and national level, the political logic behind public records becomes much clearer. The congressional model is a good example, partly because it has been widely followed by the states. Except for bonafide news organizations and members of Congress, Congress charges \$155 for a two hour VHS videotape of a Congressional meeting.⁷ Most important, a contract must be signed stating the tape will not be used for political or commercial purposes. The House tape duplication contract is illustrative: "The use of tape duplication of broadcast coverage of House proceedings for political or commercial purposes is expressly prohibited by the rules of the House of representatives." The contract goes on to say that any violation of the contract is a criminal offense and that violators must indemnify the Library of Congress for all attorneys fees necessary to enforce the contract.⁸

The argument for such a restriction on political use is that it would discourage debate if political opponents could use comments out-of-context, especially in attack ads. However, no such restriction pertains to the use of print records and it is not readily apparent why video records should be qualitatively different than print records, especially in a democracy increasingly dependent on video for its communication. The classic rejoinder to arguments to restrict misleading speech is more speech. If a candidate misuses an incumbent's record, it seems reasonable to believe that this could become an issue in itself and reflect badly on that candidate. There also seems no way to restrict bad speech without also restricting good speech. Should it have been illegal for political opponents to have replayed President Bush's famous soundbite "Read my lips; no new taxes." That soundbite efficiently and accurately conveyed Bush's broken promise.⁹ Knowledgeable observers, such as C-SPAN's general counsel, Bruce Collins, believe that one day political use restrictions will be tested in the courts and found unconstitutional.

Meanwhile, the Internet promises to make obsolete the political use restrictions. The Internet breaks down the old distinction between mass media and public records. Over the Internet, audio and video recordings of meetings can be accessed on demand. Moreover, large numbers of meetings can be perused without paying any duplication fees. This suggests the possibility that a candidate could simply point a link to a desired video segment of a public meeting without having to duplicate that site himself. In the future, it appears that legislators may find it much more difficult to get the advantages of publicity without the disadvantages of accountability. A related problem is that they may need to find a more politically oriented group of public meeting TV producers, for the same technology-oriented producers who once spurned video record keeping as menial work now embrace the vastly more expensive video-on-demand as the wave of the future. In December 1997 the South

Dakota state legislature rejected Internet coverage of meetings, citing the fear that legislator comments could be used out of context.

A February 1998 report by the Congressional Accountability Project concluded:

Congress has been inexcusably slow in employing the Internet for distributing anything but self-serving PR materials, and the least useful congressional documents. The most valuable congressional materials are still not available on the Internet, including the most important drafts of bills, voting records in a non-partisan database, most transcripts of hearings, draft committee and conference reports, texts of committee and floor amendments, lobbyist disclosure reports, and congressional office expenditure reports (see www.essential.org/orgs/CAP).

Although the report addressed the transfer of print records to the Internet, the logic behind it could just as easily apply to the multimedia records of government access.¹⁰

Enter Figure 4 about here

Who learns?

TV coverage reduces the cost to citizens, intermediaries, and public officials of watching public meetings. We should therefore expect it to increase public participation. But we can isolate two effects: an income effect and a substitution effect. The income effect says that reducing the cost of participation will lead to more participation. The substitution effect says that the gains from the reduced cost of participation will not be spent on more participation but on other goods.

In small towns in Vermont there is a concern that if the annual town meeting is televised there will be a drop in attendance. Moreover, overall involvement in town government may decline. The annual town meeting is a place to see and be seen, one of the major social occasions of many rural communities. If people start watching meetings at home, the social pressures to fully participate in town life might decline. In addition, a valuable forum for informal conversation about town government could decline.

On the other hand, public meeting TV allows many people to participate in government who otherwise would not be able to. At a local level, old people and the handicapped often find it difficult to physically get to meetings. Poor people may not be able to drive to city hall and pay for parking. Parents with young children often cannot justify paying a babysitter while they attend a meeting. Few people find it worthwhile to attend a meeting on a rainy or snowy day. When it comes to attending meetings at a state or national level, only a tiny percentage of Americans can afford to watch in person, which may entail great expense and time just to get to the meeting. Moreover, when people do want to attend a public meeting, there often is not room for them. The vast majority of public meetings have very few people in attendance. Accordingly, public meeting rooms are designed for small crowds. When a hearing deals with a controversial subject and many people want to attend, the rooms cannot accommodate them. In Washington DC there is a whole industry just to deal with this problem. For important hearings, such as the nomination of a new FCC chairman, individual lobbyists will pay hundreds of dollars for standers to stand in line for many hours at a time to secure them a seat when the doors to a hearing room are opened. For such hearings, the total cost for seats can easily be in the tens of thousands of dollars, far less than the cost of videotaping the event. However, it is not clear the extent to which TV coverage would reduce attendance, for much of the reason for lobbyists to attend such meetings is to see and be seen by others in attendance and to make observations and contacts not readily available via TV.

Similar concerns also pertain to the media. The existence of legislative TV gives media the means to watch more public meetings with fewer resources. But it also may give them the excuse not to attend meetings in person or do original and independent reporting. For example, the existence of legislative TV may give a local TV station in California an

additional excuse not to have a news bureau 500 miles away in Sacramento, California's capital, or 2,000 miles away in Washington DC, the nation's capital. The local TV station may even go so far as to replace the reports of the local news bureau with video press releases—often clippings of public meetings—sent out by legislators. Viewers probably will not notice the difference, and it can save the station a lot of money.

A CNN reporter covering the U.S. House told the author that she did not rely on the in-house video system or network feeds for watching meetings. She misses too much of what actually happens at a meeting by relying on a TV set; she also loses the opportunity for spur of the moment interviews with key decisionmakers. CNN's network headquarters, however, gets continuous video feeds of congressional meetings. The video feeds increase the efficiency and reduce the time delay of getting news on the air. Stephen Hess observed that beginning in 1979, with the introduction of C-SPAN, Washington broadcast news bureaus focused the House of Representatives. After the introduction of C-SPANII in 1986, they focused on the Senate (1991, p. 57). This suggests the predominant importance of the income effect.

TV coverage also affects legislators' propensity to attend meetings in person.¹¹ All congressional offices have TVs tuned to relevant floor or committee proceedings. Legislators tend to show up only when their appearance is essential, such as for a roll call vote or a pre-arranged speech. Even at an all day town meeting in a small community, the local city councilor may watch the proceedings at home and only attend when his presence is especially important. New members of legislative bodies often make use of meeting tapes as part of their orientation process. Tapes of previous committee meetings educate the new members about their new committee assignments.

How large and representative of the public is the audience for public meeting TV? Before one can answer these questions, one must first define a threshold at which viewership becomes meaningful. If one measures viewership over the course of a year, it is easy to come up with huge viewership numbers. Most people over the course of a year will at least glance for a few minutes at every government access channel on their TV sets. But if a harder threshold is chosen—for example, those who have watched at least one hour of a public meeting during the last week—the viewership numbers plummet to close to zero. The choice of an appropriate threshold largely depends on what type of information is deemed valuable. If civic or candidate learning is the reference model, then an easy threshold such as annual viewership seems appropriate. If issue learning is the reference model, then a much more difficult threshold needs to be chosen.

Another key variable in measuring viewership depends on the type of issue chosen. If an extremely popular public hearing is chosen (such as the Clarence Thomas hearings in the United State Senate), viewership will rival that of the World Series and be similarly representative. If an obscure local planning commission hearing is chosen, viewership will dwindle to insignificance.

Finally, if the key information flows from public meeting TV are not one-step flows, then using general viewership of public meeting TV to measure its influence may be misleading regardless of what viewership threshold is chosen. If the key information flows are two-step flows, then the key question becomes whether a representative group of intermediaries exist who have the resources and motivation to monitor public meeting TV and bring controversial issues to the attention of a larger public. Identifying important intermediaries becomes critical to such an analysis. Could it be that a single opposition candidate using public meeting TV to ferret out instances where an incumbent did not

represent his constituents could make a greater contribution to his local democratic government than a 100% of the public occasionally tuning in to watch its government in action? This is a possibility that should be taken seriously.¹²

What is the quality of what is learned?

It is a common fallacy to assume that TV coverage of public meetings will necessarily lead to an increased dissemination of useful information to the public. The problem is that every attempt to force more openness is at least partially offset by a compensating effort at more secrecy. The situation can be analogous to an arms race. The advantage each side gains by building up its armed forces is neutralized by the enemy's effort to do the same. The result may simply be more inefficiency with no strategic gain. Both sides would have been better off if they had never engaged in the arms race.

Such considerations apply mostly to local meetings and committee meetings of large legislatures. The floor proceedings of the U.S. Congress and most state legislatures are already highly visible and well recorded without TV. Thus, TV coverage makes comparatively little difference.

Public meeting TV often has its biggest effect when legislators are not aware the cameras are on or the microphones are within earshot. In such a situation legislators are likely to say something embarrassing and newsworthy. When I asked government access managers for an incident where public meeting TV made a difference, they often mentioned an incident when someone did not know he was being recorded. Fear of snooping cameras is in fact a major reason for the huge inefficiency of much public meeting TV. Instead of using remotely controlled robotic cameras, or even fixed cameras, legislators often insist that every camera be brought into a public meeting room and operated by a visible individual. When the cameramen are asked to leave, the legislator can be certain the cameras are off.

This security precaution gives the legislator maximum control, albeit at great taxpayer expense.

In general, much of the most useful information about representatives is gained when they do not know they are being recorded. For example, President Richard Nixon was forced to resign from office because of the evidence contained in the Watergate tapes of his telephone conversations. But those tapes never would have existed if Nixon thought they might one day be made public.

There are many techniques for maintaining secrecy when meetings become televised. One of the most common fallacies is that gavel-to-gavel coverage provides complete and unbiased information. The phrase “gavel-to-gavel coverage” is perhaps the most misleading phrase in public meeting TV. All that it signifies in reality is that there has been no video editing between the time the gavel has been struck to start and stop a segment of a public meeting. It is true that gavel-to-gavel meeting coverage does prevent certain types of blatant biases. But the room for information manipulation is still so great that any claim that gavel-to-gavel coverage per se gets at the truth is utter fantasy. Gavel-to-gavel coverage is mostly about style, not truth.

Some of the loopholes for creating bias not closed by forcing gavel-to-gavel coverage include the following:

- Televising only “regular” meetings of a public body.
- Televising only select meetings of a public body—e.g., one meeting a month or only special hearings that are expected to attract a large audience.
- Shifting the discussion of controversial issues to untelevised committee meetings from televised meetings of the public body as a whole.

- Do not air meetings live; air meetings with controversial issues at times when nobody watches TV.
- Remove the clip-on microphone while making a certain point.
- Do not allow public comments to be televised.¹³

Most of the important techniques to control visibility are not technology-based or within the control of the person operating public meeting TV. The ability to control visibility (e.g., the agenda) is a basic skill of all legislative politics. Some of the time-tested techniques to do so include:

- Propose an omnibus bill that hides controversial measures as a seemingly small detail within a larger bill.
- Make controversial decisions in a low visibility committee meeting and include them in a single consent item at a high visibility meeting of the public body as a whole.
- Phrase controversial provisions in such a way that only those with expert knowledge will know their true consequences; speak in euphemisms that serve as codewords that only fellow legislators and interest groups will understand.
- Postpone the discussion of controversial issues; if a controversial issue comes up at a high visibility meeting, refer discussion of it to a later low visibility meeting.
- Delegate to staff the discussion of controversial issues.
- Do not allow controversial public comments at a high visibility meeting.
- Stack the televised public comments—even when they are ostensibly on a first-come, first-serve basis—so that allies come first and enemies are intimidated by a “spiral of silence” (see Noelle-Neumann).

In other words, televising a meeting is no guarantee that the public will learn anything it otherwise would not have. Televising meetings is a necessary but not sufficient

condition for disseminating information about legislators' actions. The key feature that determines whether legislators will be able to continue to operate in secret is the design of the public meeting that is televised; in particular, whether it allows a forum for the opposition to express its views. Given a public meeting design that allows for an outspoken opposition (and assuming there are no other systematic features of the political process that discourage opposition), the techniques for preserving low visibility become ineffective.

Who wins and loses?

Public meeting TV appears to have the following effects on the distribution of power within and between branches of government:

- It increases the power of the branch of government that is televised. Strong mayors with ready access to the mass media dislike legislative TV coverage because it gives the city council a platform from which to oppose the mayor. For example, cities with strong mayors may be more likely to allow cable companies to put city council coverage in cable "siberia" (e.g., at channel 75) than next to a broadcast station channel (e.g., channel 6).
- House and Senate members tend to view TV coverage as a comparative source of power. If the House is televised, members of the Senate believe they will become comparatively weakened if they also do not have coverage.
- When given the opportunity, junior legislators and minority parties tend to be the most aggressive users of legislative TV. More generally, any faction or individual within a legislative body that is out of power is more likely to go to the media to attack the authorities in power and expand what Schattsneider calls "the scope of conflict" (Schattsneider, 1960). When Newt Gingrich was a junior congressman, he and other members of the Conservative Opportunity Society frequently used C-SPAN to make

inflammatory attacks against the leadership of the House of Representatives (Cook 1989; Frantzich and Sullivan 1996). When Gingrich and the Republicans came to power in 1994, the situation reversed itself (Frantzich and Sullivan 1996, p. 342). The surveys of state and local government access managers, conducted for this study, confirmed that this pattern extended beyond Congress.

How is deliberation affected?

Public meeting TV enlarges and thereby changes the audience for legislative speech. The audience for a televised meeting will almost always, on average, be less sophisticated than an audience for an untelevised meeting. The core audience for an untelevised meeting will often be legislators, government employees, the press, and special interests—many of whom may have extensive background knowledge of the issues being discussed. In contrast, the audience for a widely watched televised meeting can be expected to have significantly less background knowledge. Since effective politicians tailor their speech to their audience, it should be no surprise that the introduction of television tends to change the nature of deliberation at a public meeting.

In particular, public meeting TV tends to increase the amount of public deliberation at the expense of collegial deliberation. We define **public deliberation** as the exchange of information between legislators and the public and **collegial deliberation** as the exchange of information among legislators.

An example of almost pure public deliberation is speech on the floor of the United States House and Senate. In such a highly publicized environment, members of Congress do not brainstorm about issues and they rarely change their opinions as a result of listening to one another. They are largely speaking for public consumption, not to sway the opinions of their colleagues. There will be very little if anything said that their fellow legislators do not

already know. The speeches given may condense the results of hundreds of hours of conversations, reading, and testimony into a one minute soundbite that summarizes and explains a legislator's position.

An example of almost pure collegial deliberation is speech in a budget committee of a small school board. For all practical purposes, the meeting is private. School board members will often approach an issue with open minds, brainstorm different solutions, listen to each other, and learn from each other. The conversations may also drag on for hours, using technical language incomprehensible to the public and providing a level of detail wholly inappropriate to the public's interests.

The appropriate mix of public and collegial deliberation is a subject of much confusion and controversy. Using phrases like "playing to the cameras" and "grandstanding," opponents of public meeting TV rightfully assert that TV will tend to decrease the quality of collegial deliberation. Using phrases like "the public's right to know" and "political equality," proponents of public meeting TV rightfully assert that TV will tend to increase the quality of public deliberation.

The way to increase the overall quality of democratic deliberation would seem to be to somehow create an efficient system of public meetings that maximizes both collegial and public deliberation. In any case, the problem may not be that serious. Most meetings have small audiences and inaccessible video records, thus providing little incentive to speak to the cameras.¹⁴ Only in a high profile widely watched meeting—or one they sense some intermediary might bring to the attention of a larger public at some later date—are legislators likely to change their behavior in response to the cameras.

Overall Impact

Disentangling all these complex effects and coming to an overall judgment about the impact of public meeting TV on democratic accountability is difficult. One useful cue is who tends to support public meeting TV. Its strongest supporters tend to be the press, public interest groups, and opposition candidates. Legislative leaders tend to be its strongest opponents. The main tactic of those opposing public meeting TV in states and large cities is to make sure it never becomes a visible issue and comes to a public vote. When it does, it tends to pass by overwhelming margins. On the other hand, public meeting TV rarely happens without the support of legislative leadership. In other words, its strongest opponents tend to be its most important supporters. Such a pattern is common to legislative ethics proposals that threaten the power of incumbents, for incumbents may paradoxically come to the conclusion that the best way for them to hold onto their power is to do the public's bidding and risk passing a law that will help challengers.

Another cue might be the arguments used by opponents. They usually focus on costs rather than democratic accountability. For example, in the early 1990s Mayor Daley of Chicago commissioned a study showing it would be prohibitively expensive for Chicago to have a televised city council. The study made no argument that TV would weaken democracy in Chicago.¹⁵ It seems somewhat ironic that the average town in Vermont with public meeting TV has only 8,000 people, but many far larger towns and cities say they cannot afford it because it is too expensive and money needs to be spent on more pressing public services.

Another cue might be the prevalence of at least some outspoken opposition in most public bodies in the United States. Americans—and their elected officials—pride themselves on being individualists. The vision of Mr. Smith goes to Washington, of an

everyman being elected to office and taking on the corrupt governmental elites, is central to our political ethos. To the extent that controversial issues are publicly aired, the power of public meeting TV as a public relations vehicle is minimized.

However, the extent of intellectual diversity and outspoken opposition within our public bodies is probably much less than it appears to the uninformed observer. The vision of Mr. Smith goes to Washington is clearly more myth than reality. Even when elected officials disagree, there is usually great pressure to “to go along to get along.” Publicly disagreeing with colleagues is often not a good political idea. Incumbents also have a common interest in making themselves look good that may not be conducive to genuine, robust debate. Public comments are almost always tightly controlled, even when they are on a first-come, first-serve basis.

On the whole, public meeting TV, as it is usually implemented today, seems to make a small but positive contribution to democratic accountability. Occasionally it makes a major contribution and occasionally it primarily serves as a PR vehicle for those in power. On the other hand, it may be an excellent indicator of democratic accountability for a particular public body. Using this conceptual framework, public meeting TV can be thought of as a consequence, not a cause, of democratic accountability.

Cause or Consequence?

To address the question of whether public meeting TV is a consequence of more democratic government, political bodies must be classified according to how democratic they are. Then we can look for a correlation between public meeting TV coverage and strength of democracy among political bodies. If, as concluded above, the current effects of public meeting TV on democratic accountability are slight, we can infer that democratic accountability causes public meeting TV coverage and not vice versa. This inference is

further supported by the fact that patterns of democratic accountability within different categories of public bodies tend to remain fairly stable and long preceded the advent of public meeting TV. It would seem implausible to assert that some bodies became more democratic in anticipation of the advent of public meeting TV several decades later.

V.O. Key observed in 1949 that Southern states have relatively weak democratic traditions. Southern states have a long tradition of single party rule and poorly developed political oppositions. Since Key wrote, the South has become much more competitive electorally, but the characterization still holds. It is therefore interesting that of the first 19 states with government access, not a single one came from the deep South—the states of Georgia, Alabama, North Carolina, South Carolina, Virginia, Louisiana, Mississippi, Tennessee, and Arkansas. The same pattern pertains to government access at a local level. It is weakest in the deep South.

A similar comparison can be made between school boards and city councils. School boards tend to be less democratic than city councils. They are more likely to conduct single party or non-partisan elections, exhibit less electoral competition, elect board members less representative of the overall community, and pressure board members to reach unanimous consensus for public consumption. School board members tend to think of themselves as a common we (i.e., parents) seeking to secure funding and political support from a they (i.e., non-parents). I have also observed that in many smaller communities school boards tend to have worse public meeting TV coverage--despite spending more public resources--than city councils.

Another comparison might be made between more and less democratic city councils. For example, some city councils are dominated by a single party (e.g., Boston and Chicago)

whereas others (e.g., Los Angeles and Denver) have vigorous party competition. City councils with weak electoral competition may be less likely to have TV coverage.

An explanation for such a pattern of coverage might be that opposition parties have a strategic incentive to expand the scope of conflict. Those in the minority and out of power typically use the media to criticize those in power with the goal of turning the public against the majority (Schattsneider 1960). Although this opposition incentive is universal, the opposition's capability to act on it differs substantially. Where opposition parties are strong, they may have the power within the legislature, with the help of the media and public interest groups, to pass legislation funding government access. If they are weak, they will not be able to get the votes to support televised meetings. Those in the majority may also be more likely to support televised meetings if they sense an increased likelihood that they might someday be in the minority.

One consequence of such a pattern would be that public meeting TV tends to be available in communities and forums where it is least needed and least likely to make a difference. This would tend to dampen the impact of public meeting TV.

Public Policy Recommendations

The format of the public meeting was developed in a different era, when much of the populace could not read or write, telecommunications consisted of the human voice, the computer had not been invented, and anonymous speech was a technological impossibility. Perhaps the most common meeting format, the public hearing, developed because much of the public was illiterate and relied on voice communication (hence the name "hearing"). For the most part, government access has been superimposed over this ancient form of democratic deliberation. Some public bodies have allowed new forms of speech to be included as part of their public meetings, but this has mostly happened in small towns.

To date, public meeting TV, including Internet distribution, has had little impact on the design of the public meeting. One reason for this is that the philosophy of public meeting TV coverage propagated by C-SPAN's Brian Lamb and widely adopted by other public meeting TV managers is that public meeting TV coverage should be a "mirror" of a public body. The mirror theory, often stated with a sanctimonious concern for truth (C-SPAN is often described as video vérité), is in practice used as a code for saying to public officials that "we won't damage your power; we won't create any bias that might give your opponents an edge; we'll show you in all your glory." The mirror theory, by implying that technology should not reshape the public meeting, has stymied creative thought about meeting design. The possibility of creating a new type of public meeting to enhance diversity of opinion and democratic accountability has barely been considered. What follows are some ideas for a well-designed public meeting for the information age.

Meeting Location. Not all parts of the public meeting should have to take place in a single location. For example, public meetings should supplement communication via the spoken word delivered in person with other forms of widely available telecommunication, including the telephone call and e-mail. Complete access to public meetings for both viewing and comments should be available from the convenience of the home. In general, public meetings should offer forums in both physical and virtual space.

Meeting Duration. Not all parts of public meetings should have to take place at a single time. For example, the public comments section could take place over a period of weeks leading up to a meeting where legislators vote on an issue.

Meeting Coverage. All public meetings should be covered from beginning to end. The lesser standard of gavel-to-gavel coverage is inadequate. The gavel-to-gavel standard, which in practice simply means unedited coverage, allows public officials to choose which

meetings or segments of meetings they do not want the public to see; for example, votes and debates on controversial issues.

Anonymous Speech. The public meeting should create an opportunity for anonymous speech, something not possible in an era of face-to-face public meetings. Informal forums for public deliberation such as newspapers, call-in TV talk shows, and Internet chat rooms are already full of anonymous speech. The United States Supreme Court has stated that the existence of anonymous speech has been crucial to the progress of mankind. Anonymous speech can greatly increase the quality of democratic deliberation, providing much useful information that would otherwise not be made public. Anonymity does not mean unaccountability; it simply means that the organization that vets the anonymous speech provides a buffer between the speaker and the public.

Anonymous Viewing. The public meeting should preserve anonymous viewing. One of the greatest benefits of television is the opportunity for anonymous viewing. Many people like to keep their political beliefs private and do not want to be associated with controversial views. Just the act of attending a meeting will often reveal information people want to keep private. The interactivity of digital TV and the Internet threaten to destroy this anonymity. Already, Internet sites routinely use so-called “cookies” that allow them to keep track of who is using them. Many sites will not allow access if the automated cookies are not enabled. Other sites, even if they are free, require users to log-on and identify themselves. In the future, public officials can be expected to want to use the new technology to identify their audience. This should not be allowed. Moreover, the new technology should be used to eliminate the current restrictions on anonymous viewing. Currently, public officials usually require disclosure for access to public meeting records. In

the future, people should have the option to access public records without having to sign a form identifying themselves.

First Amendment Considerations. The number of voices able to participate in formal public deliberation should not be limited. Time and space on the floor of a legislature is inherently limited and must be apportioned, but time and space for supplementary written comments in an Internet database/forum is substantially less costly and should be available to all citizens affected by the decisions of a public body. This new lack of scarcity means that the government no longer has a compelling interest in granting legislators a blanket override of free speech. In such a circumstance, the First Amendment should be interpreted as preventing government from having final authority over which citizens can 1) submit information for the public record, and 2) participate in a public body's formal public debate, as long as legislators and other citizens can easily bypass those comments.

Public Access. Public access should be tightly integrated into government access. The public should be able to comment via an easily accessible and clearly defined place (e.g., list of web links or forums) adjoining the official meeting minutes. An important part of such public access is the ability of information agents such as political parties, journalists, and interest groups to download the complete public record not only at no cost but in an easily accessible and well-structured form. Such agents can then serve to create an efficient gateway for citizens to access the public record.

Audience Submeetings. Every public meeting, from the village aldermen all the way up to the United States Congress, should create a mechanism for audience members to get together in informal submeetings to discuss the proceedings of a meeting, even as it is taking place.

Right of Reply. All individuals and organizations mentioned in a public meeting should be given the right of reply via a web link.

Public Versus Collegial Deliberation. It should be recognized that publicity fosters public deliberation but is incompatible with collegial deliberation. Since both forms of democratic deliberation are important to the well-being of democracy, public officials should be given expanded opportunities to engage in collegial deliberation outside the glare of publicity. It is critical that all votes concerning legislation and public acts be made public. Beyond that, the critical feature of a well-designed meeting is not openness per se but the opportunity for the opposition and opposing views to get expression. This requires 1) a clear agenda to be made public well before a decision is made; 2) the opportunity for convenient and ample public comment on that agenda, and 3) the opportunity for legislators in the minority to express their positions and by the force of their arguments force those in the majority to justify their votes and agendas.

Portal Into Government. Public meetings refer to a vast array of important government documents, including budgets, research reports, and contracts. All such documents should be integrated into the digital record of the public meeting via web links. The record of public meetings thus becomes a portal into the workings of a public body. To facilitate such access, public meeting records should be automatically indexed and available via a search engine.

Search Costs. Records of public meetings over the Internet should be available either free or at marginal cost.

Duration of Archives. All the information that is part of a public meeting should be preserved for at least 10 years. If a form of speech cannot be preserved for whatever reason, it should not be allowed as part of a public meeting.

Seamless Multimedia Records. Today public meeting records generally come in two separate forms: print and audio/video. Print records usually only consist of basic information such as an agenda, names of those present, and descriptions of motions passed. With the advent of the Internet and digital TV, the two types of information should be tightly integrated together, making possible convenient searches on audio/video records. Ultimately, voice recognition technology should be incorporated into the public meeting, thus making possible cost-effective transcripts of meetings. This will be facilitated when each legislator's voice-activated microphone triggers a speech recognition program trained in the legislator's voice.

Video versus Print Records. In the United States, video records of public meetings are usually either exempt from public records laws or treated significantly differently than print records. For example, most public bodies quickly destroy video records, make access to them prohibitively expensive, or restrict their use to bona fide news organizations (e.g., excluding opposition candidates). Public records laws need to be expanded to explicitly include public meeting TV. They also need to eliminate any qualitative distinctions made between the laws pertaining to print and video records. For example, opposition candidates and citizen groups should be allowed to use video records, regardless of their propensity to use video segments out-of-context. Traditional mechanisms of dealing with libel, such as rights of reply and the marketplace of ideas, should be used to counter the misleading use of video.

Administration. The central dilemma in the administration of government access is the conflict between political information as a public good and elected officials' conflict of interest in providing political information. As with conflicts between individual and public interests in the private marketplace, this dilemma can only be resolved through the workings

of an "invisible hand."--institutional structures that maximize competition among legislators, branches of government, and audience members. Again, as with the private marketplace, competitive rules of engagement need to be forced on legislators by public opinion, preferably channeled through an independent entity with interests representative of the public.¹⁶

Accountability Standard. Government access TV should primarily be evaluated for its ability to convey potential rather than actual information flows. Just as a public opinion poll given to 1 million people may be inferior to a public opinion poll given to 1,000 randomly selected individuals, a government access program should not be evaluated by its actual audience size. A program watched by a large audience may make less of a contribution to democracy than a program watched by a handful of key intermediaries including journalists, opposition candidates, and activists. Easy access to meetings and records should be justified not because large numbers of people use such services, but because such access (often described as "the public's right to know") creates a socially beneficial deterrence effect.

Just because today's public meeting is an anachronism does not mean tomorrow's public meeting might not be even worse. Legislators have an inherent conflict of interest in using new technologies to redesign the public meeting. The attempt to improve government access could well backfire and lead legislators to find excuses to curtail the gains that have already been made. As the saying goes, "the best is often the enemy of the good." The public will probably have to decide a well-designed meeting is very important before legislators will be willing to make significant improvements in meeting design. The alternative solution of abolishing the public meeting and completely replacing it with private mechanisms of deliberation is neither practical nor desirable.

Conclusion

Public meeting TV, the core of government access, impacts democratic accountability in many different and often inconsistent ways. The strength of a particular impact is highly dependent on particular circumstances. Insofar as there is huge variation in the circumstances in which public meeting TV is implemented, it is hard to generalize about its overall impact. To paraphrase Berelson's famous quote of more than 50 years ago: "Some kinds of government access on some kinds of issues, brought to the attention of some kinds of people under some kinds of conditions, have some kinds of impact on democratic accountability."¹⁷

Despite such complications, public meeting TV on average appears to make a slight contribution to democratic accountability. Nevertheless, it may be most accurate to think of public meeting TV as primarily a consequence rather than a cause of democratic accountability.

Political communication scholars, including those studying the Internet, should devote comparatively more time to studying the impact of formal, public mechanisms of democratic deliberation as opposed to the informal, private mechanisms that have in the past overwhelmingly dominated research.

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¹These position statements are run in sequence and usually shown in random order to minimize bias. For example, all candidates for a given office will be allowed to prepare a five minute position statements. These position statements will be run at a regularly scheduled time in the weeks preceding an election, but each ad will be shown in random order.

²The Public Broadcasting System (PBS) and National Public Radio (NPR) are the two commonly recognized exceptions. What may be most distinctive about the American system of subsidies is that they have largely been invisible—either because they are local and therefore outside media radar or because they go to large commercial media corporations who are fearful of public scrutiny of such “corporate welfare.” These companies control the flow of the most influential political information in the United States and are therefore well-positioned to keep issues harmful to their own corporate interests out of the press (see Snider and Page 1997).

³Many journalists express concern about being “used” by politicians. Not Brian Lamb. They are his constituents: “I wish more members would use us. We’re here to let members speak directly to their constituents, without being filtered by the media” (cited in Frantzich and Sullivan 1996, p. 274). Although Lamb may have been alluding to gavel-to-gavel coverage, the sentiment expressed here, that C-SPAN is for incumbents, that it is “the incumbent’s channel,” especially for *congressional* incumbents, expresses a fundamental bias in C-SPAN’s operating philosophy.

⁴McGowan, William. “Reporting by the Numbers.” Wall Street Journal. March 18, 1996, p. A18; Bandler, James. “New Slant on Discrimination.” Boston Globe. July 16, 1995, p. 29.

⁵Audio recordings of meetings have been around longer than video recordings. But unlike video recordings, audio recordings have rarely been broadcast to the public, thus minimizing their impact. Audio recordings have also almost always been recorded and stored under the direct supervision of public officials rather than indirectly through some independent entity such as a C-SPAN or public TV station. This has tended to minimize their accessibility, especially for potential political opponents who may want to do their research anonymously. The advent of streaming audio over the

internet appears to be putting audio recordings on a more equal footing with video recordings.

Finally, just as people prefer to watch a football game on TV than listen to it on the radio, people seem to prefer watching rather than listening to public meetings. There is a sense that important information is gained when meetings are watched as well as listened to.

⁶The examples here focus on potential multiple-step flows. Potential one-step flows also exist, but given the small viewership for most public meeting TV, it seems clear that the most influential potential information flows would have to work through intermediaries.

⁷C-SPAN charges \$60 for a two hour tape, but has a similar restriction on political use. The genius of having C-SPAN distribute public meeting TV coverage rather than Congress is that C-SPAN can copyright the hearings and make over-the-air copying illegal. A government funded public meeting broadcast on TV, by contrast, could not be protected by copyright. Congress gets around copyright law by giving C-SPAN the broadcast copyright and using contract law to control access to the public record. An additional deterrent to using such tapes for political purposes is bipartisan censure by the House and Senate ethics committees when a successful challenger arrives in Congress. An incident in the early 1980s also appears to have led the leadership of both the Democratic and Republican national committees to censure the use of such tapes.

⁸One exception may be Mayor Guiliani of New York City who used footage from the government access channel in his last mayoral bid. Several years ago this author was granted an interview with New York's government access manager only on condition that a senior counsel representing the city be present.

⁹Bush made the statement at a national party convention, not a public meeting, but the principle that elected officials should be accountable for the intent of their words is the same.

¹⁰Regardless of the problems of accessing information about elected officials, it should be noted that problems of accessing information about other powerful political actors, including interest groups and

the mass media, are far more severe. Compared to these other entities, the United States Congress is a paragon of openness and accessibility.

¹¹Frantzich (1982, p. 99) argues that televising congressional meetings leads members of Congress to monitor meetings they otherwise would have missed.

¹²In her dissertation, Clancey (1990) has done an excellent job analyzing the actual one-step information flows associated with C-SPAN, but she completely ignores the other types of information flows. Lamb et al. (1988) and Frantzich and Sullivan (1996) provide anecdotal evidence of multiple-step information flows, but make no effort to assess their overall importance in comparison to other types of flows. None of the above mentioned works more than allude to potential information flows.

¹³Any number of excuses can be given for banning televised public comments, all centered on laying the responsibility on the public in some way. Excuses may include preventing commercial exploitation (e.g., advertising yard sales during public comment), candidate exploitation (e.g., having opponents abuse public comments as a forum to get noticed), and audience protection (e.g., some people do not want to testify in front of TV cameras). Importantly, public comments is often the part of a public meeting least subject to legislators' control.

¹⁴A common exception is when cameras are first introduced or legislators are inexperienced. In such circumstances, exhibiting perhaps a third person effect, legislators tend to overestimate the size and importance of the audience watching them.

¹⁵I spent 18 months attempting to get the study. Joyce Gallagher, Chicago's Cable Coordinator, originally promised to send the study. But she apparently had second thoughts and despite repeated promises to send it to the author never did. The author later enlisted Chicago city councilor Joe Moore in the effort to secure the document. Gallagher then referred the matter to a top Daley aide. There the matter came to an end. The account of the consultant's study came from two sources, including the initial conversation with Gallagher herself.

¹⁶Many proposals have been offered to create such an entity. The author's preferred solution, following Robert Dahl's Democracy and Its Critics (1989) and James Fishkin's Democracy and Deliberation (1991), is to randomly choose several hundred members of the public. Random selection provides democratic legitimacy. Bring this public body together in a trial-like setting to propose policies to improve our system of formal democratic deliberation. Give this public body the power to bypass the legislative committee system by submitting its proposals directly to the floors of the House and Senate for a vote. Alternatively, give this public body the power to get a referendum on the ballot, a method of passing legislation currently available only at the state and local levels of government.

¹⁷The original reads: "Some kinds of communication on some kinds of issues, brought to the attention of some kinds of people under some kinds of conditions, have some kinds of effects" (Berelson 1948, p. 172).

**Figure 1:
Types of Information Flow
Information Path**

		Actual	Potential
# of Information Steps	One-Step	Key question: how big is the audience?	Key question: is the audience big enough to deter elected officials from taking action against the public interest in anticipation of electoral retribution?
	Multi-Step	Key question: are there intermediaries watching who will bring controversial issues to the attention of the larger public?	Key question: are intermediaries watching who will bring controversial issues to the attention of the larger public and thus deter elected officials from taking action against the public interest?





