

PUNISHING TELEVISION

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There are a lot of dunces, dummies and dunderheads who inadvertently helped create the current mess surrounding the presidency. Others, smarter, were doomed by destiny to play a role in the fiasco. A short list from both groups includes lawyers, vote-counters, pollsters, candidates, campaign consultants, ballot designers and voters who can't follow a fairly obvious arrow on the ballot.

All inadvertent. But is there a player in the house whose behavior was advertent? (That's not been a word, until now.) Yes.

Is there a punishment to fit the crime? Yes.

For decades the television networks have been asked, cajoled and berated by quite important people, like members of Congress, NOT to call national elections until all the polls close, NOT to project winners when the votes are close, and certainly NOT to call any state before its polls close.

But on Election Night 2000, the networks, both broadcast and cable, did all three. Gore was called the winner in Florida while the Florida popular vote was leaning toward Bush in what was clearly a very close contest. That allowed commentators to announce that Gore had won the much-vaunted "trifecta" of Florida, Michigan and Pennsylvania -- tantamount to election, according to many experts. At that moment, polls were still open in two-thirds of the country. Unbelievably, the call was made while people in western Florida (in a different time zone than the rest of the state) hadn't yet finished voting!

All this quite likely may have dispirited and diminished Bush's vote; in fact, there is some pretty convincing evidence that it happened. Moreover, Gore's standing was harmed when the networks later flipped, called Florida for Bush, and then awarded Bush the presidency, winning what may be the chutzpah prize of the century. (But in Gore's case this happened after the polls were closed.)

Why did the networks do this? Well, the networks say that someone at the Voter News Service made a mistake. Then, the network analysts, using flawed data, rushed to judgment. Not a smart judgment. Even I knew it was electile dysfunction the moment it went up on the screen. Why so fast? To gain a commercial advantage over their rivals, by calling it first, in theory gaining higher ratings, and more money, which is the supremely important commodity among the networks.

(And, by the way, just what is the VNS? An exit poll monopoly owned by the networks, and now muzzled by their corporate masters. As CNN commentator Bill Schneider -- one of the very best -- has noted, "one exit poll is worse than none.")

As it happens, broadcast networks are federally regulated because, unlike cable, they use public airwaves. So fair is fair: They should now be slapped across the wrist by the Feds, perhaps with a machete.

And, as it further happens, the networks are the kings of corporate welfare, by most any standard.

Not unrelated, Congress gave to broadcasters a huge slice of spectrum space to convert to digital television, even as they keep their existing spectrum. It is sitting there, mostly unused. Why are

there so many unused spectrum spaces, when there are television companies (potential competitors to the networks) as well as Internet and mobile Web ventures (also possible competitors to broadcast networks) that would like to use them? Why shouldn't that spectrum space be auctioned off to the highest bidder? After all, such a plan has been supported by members of Congress from across the political spectrum, from Bob Dole, to Barney Frank, to John McCain. It could raise about \$70 billion for the federal treasury. That's money you would not have to pay in taxes.

Why indeed? Because the broadcasters have about \$70 billion worth of clout with politicians who fear their wrath. Having a local network affiliate angry at a politician is worse than anything! -- even losing campaign contributions.

Here's a happy coincidence: A special session of Congress will convene any day now. Why doesn't some member inadvertently drop a spectrum auction bill in the hopper? And while tempers are hot, just when legislation should NOT normally be acted upon, ram it home. Let Bill Clinton, still hunting for a legacy, sign it into law. Use half the revenue to fund some of Bush's tax cut and half to support some of Gore's new programs.

And teach those suckers to stop screwing around with American democracy.

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