

## **UPTV Commission Minutes 10-5-07**

**Members present:** Barbara Gladney, David Adcock, Peter Resnick, Danielle Chynoweth, Durl Kruse, and Carol Inskip

**Members absent:** Dana Mancuso and Greg Boozell

**Others present:** Doug Miller, Bill Dejarnette, and Ron O'Neal

The meeting was called to order by Chair Gladney at 12:09 p.m.

Chair Gladney began the meeting with a recap of the requests made by the audience at the 9-17-07 UPTV Commission meeting. She also stated that City Attorney O'Neal found that "Wake Up America" did not violate the UPTV Policies and Procedures. She invited the comments of other Commissioners.

Commissioner Resnick said that he had reviewed the program in question along with other UPTV programs. He found that "Wake Up America" wasn't the harshest content that he had seen. Commissioner Resnick thought that it was pretty far from the line of inciting violence. He feared that limiting content would also apply for atheists complaining about local church programs. He stated that the city already has a method of dealing with obscene material and it is the courthouse. He does not want to ban third party videos from airing due to the fact that some people might not feel comfortable producing their own material. Commissioner Resnick felt that it is much more important to have access to everybody than to shut down access.

Commissioner Kruse referenced a policy that encouraged more speech rather than limiting controversial programs. He felt that it is the Commission's job to protect people's voice on UPTV, not limit content. He supported that unless programming is illegal to show the public should support it whether they agree with the content or not.

Commissioner Adcock didn't feel there was anything valuable to gain from the content shown, but the first amendment does protect the rights of airing the video. He referenced that the program in question did not violate Section 3.4: Establishing Guidelines for Prohibited Programming in UPTV Policies and Procedures. Commissioner Adcock didn't want to ban third party videos, but could agree to limit how many times third party videos are shown.

Chair Gladney said that the UPTV Policies and Procedures were being updated and assured the public that their comments were being taken into consideration.

Commissioner Chynoweth proposed that the complainants of the program ask Mr. Brumleve nicely to stop supplying the programs to UPTV and let him know how it makes them feel. She proposed that the Commission direct staff to air programs that support tolerance and accurate history. Commissioner Chynoweth asked the public to support the

movement to have a separate public access channel. She said that according to a recent study 71% of Urbana residents support public access. She encouraged the public to put programming on UPTV to counter Mr. Brumleve's program. Commissioner Chynoweth also suggested that the Jewish community(s) host a forum with an invitation to Mr. Brumleve.

City Attorney O'Neal restated his comments from the previous discussion that the Commission can't make content based decisions about programming without running afoul of the first amendment. He didn't think the material in question met the test of being legally obscene. He pointed out that UPTV Policies and Procedures states that copyright consent is needed to air a third party video and discouraged the airing of any material without copyright consent. UPTV and the individual supplying the material would face copyright infringement. He personally suggested that UPTV staff pick out a library of third party videos to fill air time. He reported that some public access stations do not allow any third party videos and others will not air anything political or religiously centered.

Commissioner Chynoweth asked if UPTV could only air the program once.

City Attorney O'Neal responded that UPTV would have to be consistent in airing all programs the same number of time.

Commissioner Chynoweth wanted to know if UPTV could legally put a program on at a specific time.

City Attorney O'Neal responded that as long as UPTV could convince a court that their decision wasn't content based, but he did go on to say that it would be appropriate for a program not suitable for children to air at a later time of night.

Commissioner Chynoweth asked to receive more information on the restrictions of third party material.

Chair Gladney opened up time for public input.

Sybelle Timberlake asked how the community can be involved in revising UPTV Policies and Procedures.

Chair Gladney welcomed input and instructed Ms. Timberlake to put her suggestions in writing and send them to UPTV.

Ursula Wagner stated that it is important to see the difference between programming that condemns a certain group and programming that is confirming a way of life without slandering and putting down another group.

Carol Mizrahi pointed out that in her opinion programs supplied by Mr. Brumleve have been obscene. It does damage to a whole group of people. She stated that the City of Champaign's government channel does not show public access.

Chair Gladney pointed out that Champaign residents use UPTV for public access.

Mizrahi thought it would be interesting to limit public access and see if there is really a desire to have it.

Commissioner Chynoweth recollected that two years ago certain third party programs were prohibited and the council chambers were full of people against limiting public access.

Paul Weichsel believed that this issue went way beyond just being offended. He felt that if the only way to deal with the complaint is to limit public access television than so be it.

Diane Gottheil wanted the Commission to use their judgment to differ Mr. Brumleve's programming from other types of programming. She assured the Commission that if Mr. Brumleve's program or the same type of program continues to air on UPTV they will continue to hear her complaints.

Rudiger Laufhutt stated that he felt libeled and slandered.

Norman Klein said this was a battle of hate speech vs. free speech. He stated that free speech is being misused in the case of Mr. Brumleve's programs. He urged the Commission to preserve the higher values that are above free speech.

Lee Melhado was glad that UPTV was following many of their policies and procedures, but for a long time it did not. She stated that UPTV allowed Mr. Brumleve to show films without correct copyright permission and more times than UPTV policies and procedures permitted.

Chair Gladney assured the public that UPTV staff and the Commission will be very alert to her concerns and follow procedure in the future.

Fred Jaher didn't feel that the scenario was a case of free speech, but rather privileged speech.

Commissioner Chynoweth motioned that Mr. Brumleve's program will only air after 11:00 p.m. She also wanted UPTV to situate responding pieces as they're available and that the UPTV Commission look at its policies regarding programs containing hate speech.

Commissioner Adcock seconded the motion.

Commissioner Chynoweth didn't think the problem is solved and the case is not closed. The Commission is in an exploration process. She also emphasized the need to learn about hate speech policies from other public access stations.

Commissioner Resnick did not support the Commission limiting air time to after 11:00 p.m.

Commissioner Chynoweth clarified that her motion dealt specifically with sexual acts with children.

Commissioner Resnick stated that he is comfortable with the motion.

Commissioner Adcock requested City Attorney O'Neal's legal opinion on hate speech and its place in UPTV Policies and Procedures.

Commissioner Chynoweth clarified that Mr. Brumleve will be responsible for informing UPTV staff if his programs contain content of sexual acts with children.

Commissioner Inskeep voiced her concern about the UPTV Commission supporting a regulation that doesn't apply to all programs.

Commissioner Kruse stated that he wanted to make a motion setting a deadline for updating UPTV Policies and Procedures which involved various public input sessions from the beginning to the end.

Commissioner Chynoweth revised her motion to include Commissioner Kruse's concerns with UPTV Policies and Procedures.

Commissioner Adcock reseconded the motion.

The motion was passed unanimously.

Commissioner Kruse motioned to have a subcommittee to work with staff and the public to revise UPTV Policies and Procedures for the UPTV December meeting.

Commissioner Chynoweth seconded the motion.

The motion was passed unanimously.

Commissioner Gladney requested that the subcommittee meeting be publicized.

The meeting was adjourned at 1:47 p.m.

