



National Hispanic Media Coalition
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Presentation to Susan Crawford and Kevin Werbach on the Need for Enhanced
FCC Commitment to Diversity
December 16, 2008

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The FCC is unfortunately and ironically, since it enforces EEO policies on the nation's broadcasters, one of the least diverse federal agencies. The FCC has had a few Commissioners committed to diversity. However, structural operational changes need to be adopted in order for diversity policies to succeed on a regular and consistent basis.

Strengthening FCC Civil Rights enforcement

Create a top-level position that has the authority to enforce a robust diversity agenda for the FCC.

Support this Civil Rights enforcement position with a capable, diverse and committed staff that can develop and defend pro-diversity policies, including where necessary, race-conscious policies.

Embrace a culture of diversity that will result in a diverse workforce throughout the entire agency.

Include the FCC Civil Rights Division in FCC Decision-making

Include minority impact and digital divide (race, language, income and geography) reviews as part of each major rulemaking and merger decision.

Consult FCC Civil Rights staff on impact to community in major rulemaking and mergers.

Establish a Blue Ribbon Commission to consider how minority ownership and participation in media and telecom could be facilitated by reforms.

Support open meetings to embrace an open and diverse dialogue.

Collect and maintain relevant data in order to address underrepresentation

1. Accurately track broadcast station ownership (as well as other types of licenses) by women and minorities.

Congress instructed the Federal Communications Commission to promote minority ownership in the Telecommunications Act of 1996. But the FCC has ignored that responsibility. Its record of neglect is deeply troubling. Some highlights of the agency's track record:

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- The FCC has never produced an accurate count of how many broadcast licenses are owned by people of color. It is hard to believe this could be true, but it is true.
- The FCC has long supported policies that permit further media consolidation despite the clear evidence in the marketplace that it shuts out minority broadcasters.
- The FCC has ignored both the Congress and the Courts, both of which have instructed the agency to advance the cause of minority owners.

Two important 2007 Free Press studies *Out of the Picture* and *Off the Dial* find that while women comprise 51 percent of the U.S. population, they own just 4.97 percent of all TV stations and 6 percent of full-power commercial broadcast radio stations. Minorities make up 33 percent of the U.S. population, but own only 3.26 percent of all TV stations and 7.7 percent of full-power commercial radio stations. This level of inequality is absolutely unsustainable.

The FCC cannot solve this problem with a minor course correction. We need a full rethinking of the Commission's priorities. Concentrated media ownership leads to media content that is harmful to communities of color in many ways. For example, in recent years we have seen the rise in hate speech on talk radio programs attacking the Latino community as a result of the debate over undocumented workers. The megaphone offered to this odious brand of hate speech comes with the compliments of large, radio conglomerates that own hundreds of stations across the country. They are not accountable to their local communities, and they care little for the political and cultural impact of their programming behind the bottom line. Hate speech is a symptom of the larger disease of inequality in the ownership of broadcast stations. Undeniably, more diversity of ownership would result in more diversity of content. Let us not forget it is the policy of this country to bring the diversity of broadcast owners into alignment with the diversity of the population.

2. EEO Compliance

Restore, and make publicly available, licensees' reports on their Equal Employment Opportunity profiles (e.g. FCC Form 395) in order to address the inherently discriminatory practice of word of mouth recruitment from homogeneous licensee workforces.

When the FCC adopted new EEO rules in June 2004 (Docket 98-204), it did not decide whether to resume the filing of Annual Report 395, which stations used to report the race and gender of each of their fulltime employees by job category. In the June 2004 Order, the FCC stated that it planned to reinstitute this reporting requirement, which had been adopted in the late 70s, but sought additional comment on whether the data should be kept confidential. It never concluded this proceeding despite the fact that an entire renewal cycle has since passed. The FCC also never acted on a 3rd NPRM on whether EEO outreach requirements should apply to part time positions (as well as fulltime positions) that has been pending since late 2002.

As the Minority Media & Telecommunications Council (MMTC) cites in its Road Map:

"A failing enforcement program has consequences. [Radio-Television News Directors Association] RTDNA found that only 3.6% of non-Hispanic television stations had minority general managers in 2007. Even

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more telling, minority employment in radio news declined from 14.7% to 6.2% between 1995 and 2007. MMTC has calculated that minority employment at non-minority owned, English language radio news operations is about 0.4% or statistically zero, which is about where it stood in 1950. It is evident that minorities have been purged from radio news – a profession that is vital to the promise of the First Amendment.”

The need for the Commission to resume performance of its EEO duties is vital as is the need for the EEO collected data to be made available to the public that has a strong interest in ensuring a diverse workforce that reflects the demographics of each community. With better EEO enforcement, young minorities that have not been given the opportunity to work in this industry, that relies in word of mouth recruitment, will have a new training ground that provides them the opportunity to learn the broadcasters’ business, climb up the ladder to management levels and even become owners in an industry that is starved of minority ownership.

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