

STATEMENT OF ACTING CHAIRMAN MICHAEL J. COPPS

Re: In the Matter of Promoting Diversification of Ownership in the Broadcasting Services, MB Docket No. 07-294.

If you look at it narrowly, today's item seems to be all about data—in particular, collecting better data on the state of minority and female broadcast ownership. It may not wow you at first or sound like all that much. But it should be music to the ears of anyone who cares about reversing the shameful state of affairs in which we find ourselves. Our broadcast media—and they are not alone among our nation's media—for all their many wonderful accomplishments, are still deficient when it comes to reflecting the diversity of America. Some of them are trying, and I want to recognize that. But until they do a better job of reflecting that diversity, they are not really reflecting America. That shortfall will continue until more women and minorities actually own stations and set their own policies.

As many here will recall, I believe we missed a real opportunity the last time we considered this docket when the vote went against adopting a definition of “eligible entity” any more targeted than the “small business” definition that diversity advocates said would do no good. The upshot is that the diversity initiatives the Commission adopted then will, to the extent they accomplish anything, generally benefit white males.

The excuse not to do more was the same as it has been for years—that we lacked adequate data to do more. But if we lack the data, we have no one to blame but ourselves. Today we are going to take that sorry excuse away.

The Commission amended Form 323 to collect data on the race, ethnicity and gender of broadcast licensees in **1998**.¹ A decade later, it has become painfully clear that the Commission's data collection was too limited in scope and too unreliable to provide the rigorous statistical foundation we need in order to act in any meaningful fashion. You don't have to take my word for it. Last year, the U.S. Government Accountability Office took the FCC to the woodshed for the state of our data, finding that more accurate, complete and reliable information on minority- and women-owned broadcast properties would allow us to better assess the impact of our rules and allow Congress to make more informed legislative decisions.² Industry experts and academic scholars have reached similar conclusions.

¹ *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, Report and Order, 13 FCC Red 23056 (1998).

² “Media Ownership: Economic Factors Influence the Number of Media Outlets in Local Markets, While Ownership by Minorities and Women Appears Limited and Is Difficult to Assess,” Report to the Chairman, Subcommittee on Telecommunications and the Internet, Committee on Energy and Commerce, House of Representatives, GAO-08-383 (March 2008) at 4-5.

The sad truth is that we simply do not know the precise state of minority and female ownership in this country. The official term for it is “we don’t have a clue.” We will never get to where we need to go unless we know where we are. Try getting driving directions on MapQuest without entering a starting location and you’ll see what I mean.

If we are going to be a data-driven agency, we need much better data. We cannot, or at least should not, be forced to rely on outside parties, many with their own vested interests, for the basic information the FCC needs to make informed decisions. Today we commit to getting independent and credible information to under-gird what I intend to be meaningful action to right the injustice of the present situation. ***We are going to encourage and assist the cause of greater minority and female ownership.***

The data we compile will provide the raw material for the *Adarand* studies and the other analyses we will need to have to sustain a program of meaningful action. It will mean that if we have to go to court to defend far-reaching policy changes—and, unfortunately, we undoubtedly will—we will have solidly-based legal underpinnings to justify our actions.

One group that will play a major role in helping develop a plan for moving forward is the Commission’s Diversity Advisory Committee. I will be announcing new Committee appointments in the next several days. Then we will ask the Committee to convene as quickly as possible and charge it with developing a series of recommendations, operating with a sense of urgency that the present unacceptable situation compels. We will ask for speedy recommendations on the nature, scope and methodology for the *Adarand* studies we need to do; on initiating an interim “full file” review procedure for the incentive programs that currently exist; and any other proactive steps that we can take to move forward, as they say, “with all deliberate speed.” One more thing: when the Committee makes recommendations, this Commission will respond to them and do so with alacrity. It’s time to think “priority” when we think about this issue.

It’s a daunting challenge. But it is so necessary that we succeed. We can and we must aspire to a media that reflects the rich tapestry that is America. This cannot happen on auto-pilot, it will not happen by accident, and it won’t ever see the light of day with a “business-as-usual” approach. We have just been through a prolonged period of benign—some may say maybe not so benign—neglect. It’s time—long past time—to try a different approach.

I want to thank the Bureau, indeed all of the Bureaus and Offices, that worked to develop this item. I thank my colleagues for their active involvement in getting us here. And I thank the many individuals and organizations who have worked in the wilderness for so long to realize the dream of a more diverse media in which women and minorities can work and manage and lead and own the media that shapes our national consciousness. America has always been the great Land of Promise. When it comes to media ownership, it’s time to redeem the Promise.