

**Remarks by Chairman Michael J. Copps  
FCC Diversity Advisory Committee  
May 7, 2009**

Let me be the first to welcome you to this initial meeting of the FCC's re-chartered Diversity Advisory Committee. I want to thank each of you for your service and stress how vital your work is—not only to me and the FCC, but to the American people. I know how busy you all are. But as the saying goes, when you want something done, ask a busy person. Many of you have served previously on this Committee—welcome back. Some of you are here for the first time—we're excited about your being here. This Committee has always cared deeply about these issues and has been willing to step up to the plate for years. What has changed is not so much the composition or the bent of the Committee, but the priority your issues will have at the new FCC. You will be heard. The sad truth is that these issues simply haven't been the priority they should have been around here for the past eight years. It's time to turn the page. We are turning the page.

I want to express special thanks to my friend and former FCC Commissioner Henry Rivera for his willingness to chair this committee one more time and for the vision and leadership he has brought to these issues through a long and distinguished career both in government and out. Henry brings a wonderful combination of vision, experience and practicality that has served this committee well in the past and will do so again now. Thanks to you, my friend.

We are all here because we know that America's strength is its diversity. America will succeed in the Twenty-first century not in spite of our diversity, but because of it. We must nurture the individual talents, genius and creativity of all of our people. Our economic well-being and, indeed, our very democracy, depend on it.

That is why diversity issues have been one of my top priorities for the nearly eight years I have been here and while I have been Acting Chair for the past three months. Even with the unprecedented effort we are making on the DTV transition, this effort is one that simply cannot wait. We have waited too long. So I have a challenge for you this morning. Be bold. Take these issues and run with them. This is not a ceremonial appointment. This is your chance to make a real and lasting difference. I hope that you will set an aggressive agenda for yourselves and that you will not hesitate to propose aggressive solutions.

I do have a couple of requests. First, along with whatever else you decide to take up, I ask you to take an immediate look at some pressing issues on minority and female ownership of the media so that the Commission can have the benefit of your advice and counsel as we move forward to correct the neglect of so many years. I won't go into a lot of detail about the shameful state of affairs in which we find ourselves—although I certainly could. A couple of statistics tell the story clearly enough. In a country that is now more than one-third minority, people of color own just over 3% of full power commercial TV stations. Three per cent! Is it any wonder that issues of interest to the minority community so often don't get the attention they deserve? Is it any wonder that

minorities are so often stereotyped and caricatured and that the positive contributions of the minority community are so often overlooked? And the state of female ownership is also dismal. Women are 51% of our population, yet women own 5.8% of those TV stations and only about 6% of radio's. That's not acceptable either.

As many of you know, the Commission took some forward steps in its 2007 Diversity Order, but we could have—and should have—done much more. I think the FCC showed a timidity that is all too common when it comes to this subject. As always, the excuse was that we lacked an adequate record to do more.

But if we lacked an adequate record and didn't have the data, who was to blame? Why didn't we go out and gather it? And if the FCC suddenly awoke in late 2007 to the realization that we didn't have the record, wouldn't that have been the time to launch Adarand studies that are legally necessary to justify a more targeted approach? We need your help in making sure we have the factual record to justify a more targeted approach—to assess the ongoing usefulness of previous Adarand studies and to recommend any additional studies that may be necessary to sustain our work going forward.

I also hope you will give us a recommendation concerning a possible interim method that has been suggested for increasing diversity—something called “full-file review.” The Commission will need to be on solid footing if we are going to think about implementing something like this.

I know that the prior Diversity Committee did some excellent work in both these areas—Adarand and full-file review—and I understand that your very able chairman has already distributed a memorandum to you already discussing these issues. I need you to address any further concerns that have been raised or that this group, with its years of experience, may think of. I want your best judgment on how to make action sustainable and, on full-file review, whether and, if so, how we might implement it on an interim basis while more targeted approaches are being considered.

I reject the notion that we must choose between rules that are effective and rules that are judicially sustainable. We understand and appreciate the sensitivity of the courts. But that doesn't mean we have to stay away from all positive actions. We can—we must—have policies that are both bold and legally-sustainable.

And we must act quickly. The window of reform has been pried open, but history teaches us that it is impossible to know how long we will have before it closes again. I know it's asking a lot, but I would like to have the Committee's recommendations on the Adarand studies and full-file review within the next 4 months.

Let me add just a few words about broadband. Congress has given the FCC one of the most important jobs we have ever had—developing a national broadband plan. It's something I have been calling for eight years. We have a long way to go to put America at the forefront of broadband penetration and use, but it's a challenge we must meet.

These are the opportunity-creating tools of the twenty-first century and getting them out to all our people—again I underline that word “all”—is the most important infrastructure challenge our country confronts. So I hope this Committee will take an active role in helping us develop a national broadband plan by next February that will bring affordable, value-laden broadband to all Americans. Everyone in this great country should be on the receiving end not only of these wonderful new technology tools—but they should have equal opportunities to help build and develop and manage the infrastructure itself.

Before I close, there is one topic that I do not expect this Committee to address—that would be the Fairness Doctrine. I almost hesitate to mention it because it seems so obvious. But apparently there are some who remain confused—I hope not willfully so. Those who claim that promoting diversity and addressing the woeful effects of past discrimination are the equivalent of bringing back the Fairness Doctrine understand neither the Fairness Doctrine nor, more importantly, the lack of opportunity minorities and women have when it comes to owning and operating the enterprises that allow us to communicate with one another. What you are about is righting the wrong of generations of denied opportunity. When all the statistics show us still heading in the wrong direction, most people without an axe to grind appreciate the wisdom of that old adage, “justice delayed is justice denied.” Resurrecting the straw man of a bye-gone Fairness Doctrine to deflect this country’s passage to equal opportunity is a kind of issue-mongering that has no place in twenty-first century America.

So keep your eye on the prize here. It’s within sight now. After years of not so benign neglect, we are on the cusp of actually moving forward towards a media that reflect this nation’s wonderful diversity and recognizing that as a nation, we all progress together or we don’t progress at all.

Again, thank you for taking this on. If there is anything you need along the way, please ask. Barbara Kreisman, Jamila-Bess Johnson and Carolyn Williams from our FCC Team are excited about the prospect of working with you and making sure you get the help you need in order to do your job, and I thank them for their willingness to help you. I think most of you know my door is always open to you. I look eagerly forward to the critical advice that I am confident you will provide—the sooner the better—and I will guarantee you this: your recommendations will receive immediate attention by me and my colleagues. We won’t let your recommendations gather dust this time around. Thanks again for being part of what I think is going to be something historic in the annals of the FCC and, I hope, the country.