

**Remarks of Commissioner Robert M. McDowell
Media Bureau Workshop on Media Ownership & Diversity
Federal Communications Commission**

**Wednesday, January 27, 2009 9:00 AM
Commission Meeting Room, Washington, D.C.**

Good morning – and thank you to all of the panelists who are giving us the benefit of their legal and business expertise today. I welcome your thoughts on what the Commission can do to promote opportunities for minorities and women through our media ownership rules, as well as any ownership-related initiatives that you may explore.

As many of you know, I've been an active supporter of the Commission's recent efforts to support new and existing minority broadcasters, including:

- A ban on discrimination in advertising (in other words, a bar against any “no urban/no Spanish” dictates), and
- Relaxing certain attribution rules to encourage greater investment in licensees controlled by small business “eligible entities,” including those owned by women and people of color.

Throughout my time as a Commissioner, I have called for a greater awareness of the financial realities that face small enterprises and new entrants, including minorities and women. Changes in our ownership rules alone won't achieve much if the intended beneficiaries can't obtain the financing they need to make their aspirations a reality.

While the government cannot address all aspects of the situation, I favor taking action when we have a good legal and factual basis for doing so. For example, for some time now, I've urged that the Commission offer active assistance to Congress in fashioning a legally sustainable tax certificate program to promote ownership of communications companies by economically disadvantaged businesses. I'd like to get your reactions and advice on this concept.

Similarly, I wonder whether there may be some small silver lining in the clouded economic environment surrounding all broadcasters, large or small. De-consolidation seems to be the current trend among some of the largest group owners. That, in turn, may open some new opportunities for small entities and new entrants. If panelists today have any suggestions in that regard, I would be interested in hearing about them.

Finally, I know that the first panel will take on the most critical component of any future effort to craft race-conscious ownership rules – the substantial hurdles that the Commission (or any government agency) faces to satisfy the demands of the Due Process Clause, as set forth under the Supreme Court's *Adarand* line of cases. As I have said, I am interested in exploring what actions the Commission may take on a legally sustainable basis. I look forward to hearing more of your lawyerly analyses of our options.