

Opening Remarks of Commissioner Mignon L. Clyburn
2012 Annual Civil Rights and Human Rights Conference
Benjamin L. Hooks Institute for Social Change
University of Memphis, Tennessee
April 20, 2012

Thank you, Dr. Rezaee, for that gracious introduction. I am delighted to share the stage with Ms. Melanie Hudson, whose organization, Children's Health Forum, seeks to prevent and eradicate diabetes, asthma, lead poisoning, and HIV/AIDS, diseases that disproportionately impact children in underserved communities.

It is a distinct honor and privilege to speak at the Benjamin L. Hooks Institute for Social Change. This impressive institute deserves praise and special mention for dedicating precious resources towards the study and promotion of civil rights and social change. By preserving almost 400 boxes of Dr. Hooks' papers, it has provided us all with incredible treasures of the life and legacy of an American hero.

I would also love to find time to read through the papers of Dr. Hooks' wife and secretary, Ms. Frances Dancy Hooks. These papers chronicle her work with organizations such as Children with Learning Disabilities; and improving the abilities of those with challenges, through enhanced access to advanced communications services, is one of my top priorities.

But what excites me the most, is that this Institute is much more than an archive of civil rights history. Its work not only acknowledges the fact that there is much more to do when it comes to bridging many divides, it is leading the way for change through groundbreaking research, community service projects, and world class conferences. Through outstanding scholarship and tireless efforts, you celebrate and truly honor the legacy of an eloquent, strategic, and successful human rights legend. But what is most significant to me, and those you serve, is that you do what so few others have the courage, capacity, conviction or heart to do: You apply what you've learned, through this research and study, to proactively improve the state of those communities, most in need.

Dr. Hooks' Legacy at the FCC

As Daphne mentioned, I am in my third year as a Commissioner at the FCC. So it should come as no surprise that, in many ways, I consider Dr. Hooks a role model. As a proud daughter of civil rights advocates, I, like Dr. Hooks, am naturally drawn and committed to serving those communities, whose interests and issues, are not adequately addressed by the communications industry.

Dr. Hooks was the first African American ever appointed to the Federal Communications Commission, and I am the first African American female to serve. Like Dr. Hooks, I feel a responsibility to leave a legacy that helps to pave the way for more persons of color to be appointed, and for a woman to one day chair this agency.

But Dr. Hooks' most important legacy to me was his brilliance, and the fact that he was a careful strategist, who believed that we should try to bring all stakeholders -- public officials, and private corporations -- to the negotiating table. Yet, he knew that while collaboration was a prudent and effective way to overcome the most difficult of challenges, in the absence of consensus, he was never fearful of federal regulation.

And the results of his strategy were game changing.

When Dr. Hooks was named to the FCC in 1972, African Americans owned a mere 14 broadcast radio and TV stations. By the time he left the Commission, in 1977, African Americans owned more than 200 broadcast stations.

But as important as media ownership is, Dr. Hooks did not stop there. He challenged the communications industry to hire more African Americans, called for local programming to serve the needs of all local communities, and urged the media industry to present more positive images of people of color on the air.

He was also tremendously successful, at improving diversity from within. In 1972, only three percent of FCC employees were African Americans, and they were generally relegated to low-paying positions. By the time he left, African Americans made up about 11 percent of the employee population, and his influence paved the way for qualified attorneys, and other specialists, to more fully contribute to this communications landscape.

Dr. Hooks' Lessons Remain Relevant Today

Now when you consider the fact that Dr. Hooks served on the FCC, from 1972 to 1977, you might conclude that the current state of affairs and our present day policy issues would be very different. For, during his tenure, broadcast radio and over the air TV were the most advanced technologies by which most Americans used to receive their news and information. Cable TV was just beginning to deploy nationwide, and HBO started providing commercial service in 1972.

It was a very different time, in that if you wanted to communicate with someone in another area, you either mailed a letter or made an extremely quick and incredibly expensive long distance call, over a wire line network, for there were no commercial Internet service providers and there was no commercial mobile service.

Today, there are scores of platforms for which Americans receive their news and information, and use to keep in touch, and as a result, there are more technologies for the Commission to regulate. And today, the entire world is fixated on wireless. Despite this incredible pace of change, however, the primary responsibility of an FCC Commissioner remains the same. We still apply Congressional mandates that are set forth in the Communications Act. And we still strive to reach the best and most balanced decisions, in order to serve the public interest.

You may have guessed that I would affirm, that many of the policy challenges Dr. Hooks was faced with still exist today. He and I spoke briefly over the phone, about the lack of diversity in ownership of broadcast radio and TV properties, and how in the current climate-both politically and legally- there seemed to be few options and limited means to make things better.

A 2007 study conducted by the media advocacy group, Free Press, found that while people of color comprise 34 percent of the U.S. population, they owned just 3.15 percent of full-power commercial television stations. And while women made up around 51 percent of the population, they owned less than six percent of the TV stations. The Minority Media Telecommunications Council reported that, according to the FCC's Consolidated Database System, the percentage of stations that are minority owned, declined from 7.78% in 2007, to 7.24% in 2009, and is presently falling rapidly.

But perhaps what is just as striking, if you noticed, is the fact that the data I just referred to, was from Free Press and MMTC, not the FCC.

For years, I am sad to say, our agency failed to collect sufficient data on the state of diversity, or lack thereof, when it comes to commercial media ownership. Just why is this noteworthy? Other than having a full picture on the state of the industries we regulate, if it is ever concluded, that there is a

nexus between station ownership, and the provisioning of critical news and information to vulnerable or underserved communities, then the only way for us to sustainably address those voids, would be with sound and solid data. But there is some good news to report. I am happy that at long last, we are well on our way in this regard, and it is my hope, that the record will be populated with the data needed to make sound, universally beneficial decisions, for us all.

I wish I had great news, however, when it comes to workforce diversity. Staggering imbalances remain, when it comes to senior and leadership positions in the communications and technology space. Only one in four communications jobs created between 1990 and 2005, were filled by women, and among communications companies in the Fortune 500, women comprise just 15 percent of top executives.

If there is any place, where the benefits of full inclusion and economic and workplace parity should be organic, where the strength, and majestic beauty that makes our nation so envied by the rest of the world, should be reflected in all of its glory, it is in our media, technology, and telecommunications companies, at all levels, including inside of the C-Suites and on their governing boards.

Companies that ensure that their best, most talented and diverse talent is recognized, mentored, sponsored and promoted equitably, are more profitable, and score the highest on employee evaluation reports. So, I have begun collaborating with others, who are focused on these efforts, to bring additional thought, advocacy, and results, when it comes to workplace equity.

Why is this so important to me you might ask? The 37 year-old words of Commissioner Hooks make it more plain:

“With all due respect to the fine Black entertainers, and the splendid Black athletes, who certainly deserve all of the limelight they get....there should be room for other Blacks as well-room for the Black educators, the ghetto youth leaders, the social and civic, religious and political leaders, who are doing a yeoman’s job, in attempting to train young Blacks, in the face of pervasive racism and oppression.”

Too often, the headlines of today don’t cover a broad enough range of personal and professional accomplishments within our communities. Despite the fact that there is an African American in the White House, there is still not enough coverage of those sacrifices and victories that so many other people of color have made, in order to become successful in fields, other than sports and entertainment. And all too often, because of the absence of those types of stories being told, many of us -- especially our youth -- fail to realize just how sweet the rewards of hard work really are. What is rarely seen, is how delayed gratification on one end, can reap incredible benefits on the other end. However, we all know that these rarely aired messages, shown just at the right time in a person’s life, could be the very spark which lights currently depressed communities.

Today’s Communications Challenge: Broadband Deployment and Adoption

In 2009, one my greatest honors came when I was joined by Dr. Hooks during a Hearing on Digital Inclusion right here in Memphis. Even though he was clearly weakened by his illness, he accepted the FCC’s invitation, to take part in an incredible evening event, which attracted some 170 persons at the National Civil Rights Museum. He spoke of the ability of broadband to lift up all people in the United States.

And in his remarks, he made two important points. First, that broadband is no longer a luxury; it is a basic necessity. Access to basic broadband has taken the way we experience the world to a whole new level. It has become the thread that connects modern society. Access to broadband means access to better education, healthcare, job opportunities, news and information. It can also serve as the great

equalizer, when it comes to entrepreneurship, because I have been told, countless times, that those biases that seemed to exist when there was face-to-face interaction back a few years ago, are now virtually eliminated. Because you never see me, and all you know now, is that I am a qualified vendor delivering to you, a much needed or desired product or service. Period.

At the college, university and even high school level, there is a growing demand for distance learning and education, for working adults and for children who perform better in non-traditional settings.

Many libraries have extended their collections to include e-libraries and e-books, and other online services and retailers have established websites for e-commerce.

Forward-thinking entrepreneurs have started investing in Internet startups, forsaking the cost of operating a physical location. More job seekers now have the ability to search employment listings and post their resumes electronically because they must, and many of those seeking government assistance, now have to file and process their applications on-line.

All of this is to say, that exclusion from broadband, would prevent Americans from participating in the very basic facets, of today's society. The battle for fairness and equality has extended from broadcasting to broadband.

The second point that Dr. Hooks made, that night, is that we have to adopt policies to deploy affordable broadband, and encourage all Americans to adopt broadband. The FCC estimates that 14 to 24 million Americans do not have access to adequate broadband infrastructure, and approximately 100 million Americans do not subscribe to broadband at home.

Even more upsetting is the estimate that only 10% of people living on Tribal lands have access to broadband due to lack of adequate infrastructure to support extended service.

And the percentage of Americans, that do not adopt broadband, even when it is available to them, is also disturbing. Only 50% of rural Americans, 35% of the elderly, 42% of people living with disabilities, 59% of African-Americans, and 49% of Hispanics, have adopted broadband service at home. And why do these groups choose not to adopt? The top most cited barriers are affordability, lack of digital literacy, and relevance. Some consumers have to choose between paying for basic necessities and paying for broadband, while others do not consider broadband important enough to adopt, as opposed to subscribing to basic cable.

For years, the government has been tiptoeing around implementing any long-term solutions to this problem. That changed when President Obama was elected and Congress passed the Recovery Act. From that came the mandate that the FCC deliver a National Broadband Plan, which was released in March of 2010.

The Plan made a number of recommendations to extend broadband coverage to underserved communities, while promoting adoption of the technology by addressing barriers to entry. Since its release, the FCC has been focused on implementing those recommendations.

Dr. Hooks would be pleased to know that the manner in which the FCC prepared the Plan, and is implementing its recommendations, comes right out of his policy playbook. There must be collaboration with all public and private stakeholders in order to develop a consensus to promote wider broadband deployment and adoption.

Through a public-private partnership called Connect-To- Compete, FCC Chairman Genachowski's staff persuaded key cable companies, to offer all eligible families for \$9.95 per month, high speed internet with a no installation/activation fee option and no modem rental fees. Several non-profit

organizations and private companies have also volunteered to offer digital literacy training. But we did not stop there.

In the Communications Act, Congress directed the FCC to adopt policies that would make “available ... to all the people of the United States ... a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges.” The policies that the FCC implemented to meet this statutory obligation, is known as the Universal Service Fund Program, which ensured affordable, wide-spread basic telephone service, to over 98% of this nation.

One of the most important recommendations, in the National Broadband Plan, is that we reform this Program, so that it addresses the universal service challenge of our time -- namely, to ensure that all Americans have access to broadband.

In October 2011, we adopted the Connect America Order, to make those much needed reforms. We also adopted an express universal service principle that universal service fund support should be invested in broadband-capable networks. We also set goals for the Fund to preserve and advance voice and broadband services to American homes, businesses, and community anchor institutions. The reforms in the new Connect America Fund are designed to facilitate the acceleration of broadband build-out, to the approximately 18 million Americans living in rural areas who currently have no access to a robust broadband infrastructure.

That Order, for the first time, recognized the growing importance of mobile broadband, by making it an independent universal service objective. We implemented a Mobility Fund that will provide up to \$300 million to accelerate deployment of networks for mobile voice and broadband services, in unserved areas in the first phase, and then provide ongoing support in Phase II, of up to \$500 million annually, where mobile service would not otherwise be offered.

In arriving at these reforms to the USF program, the FCC sought input from as wide a range of parties as possible. The staff held over 400 meetings with the industry and consumer advocates and reviewed over 2,700 comments. The reforms include a number of proposals from several relevant stakeholders.

Since I am sharing the dais with a distinguished leader in health care, I should also mention that the Commission has been collaborating with health care providers, through its Rural Health Care Primary Program, since 1997. And in 2010, the FCC provided \$85 million through this program, to more than 3,000 health care providers for telecommunications services and for Internet access services.

Conclusion

It is impossible to overstate the positive influence that Dr. Hooks had through his work at the FCC. He not only dramatically improved the state of diversity in the communications industry, but helped to pave the way for me. He also showed me how much can be achieved through collaboration, and for that and more, I am eternally grateful. Thank you again for allowing me to present these opening remarks. I look forward to your questions.