

socialization, communication styles, and other factors.⁴¹ Much contemporary feminist legal scholarship concurs.⁴²

Finally, research indicates that many women decision-makers maintain different leadership styles than the (male) norm, value the input and opinions of citizens more highly, and make special efforts to foster the inclusion of other women, consciously acting as role models.⁴³ If the inclusion of significant numbers of women changes the decision-making climate in "back

⁴¹ Nancy Chodorow, The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender (1978) (arguing that early gender identification affects much of adult life); Carol Gilligan, In a Different Voice (1982) (analyzing women's moral development and reasoning); Ruddick, Maternal Thinking, 6 Feminist Studies (1980) at 342-367 (discussing social aspects of becoming a mother); Tannen, You Just Don't Understand: Women and Men in Conversation (1990) (finding that women and men often communicate differently and have difficulty comprehending each other's messages). It should be noted that these conclusions are hotly debated and in all likelihood stem from socialization rather than biological differences.

⁴² See, e.g. Sylvia Law, Rethinking Sex and the Constitution, 132 Pa. L. Rev. 955 (1984) (expounding difference theory); Robin West, Jurisprudence and Gender, 55 U. Chi. L.Rev. 1 (1988); Christine L. Littleton, Equality and Feminist Legal Theory, 48 U. Pitt. L. Rev. 1043 (1987) (examining social inequality between genders); Sherry, Civic Virtue and the Feminine Voice in Constitutional Adjudication, 72 Va. L. Rev. 543 (1986) (women favor Jeffersonian republicanism over individualist liberalism); Note, Rethinking (M)otherhood: Feminist Theory and State Regulation of Pregnancy, 104 Harv. L. Rev. 1325 (1987) (effect of pregnancy on individualism); Leslie Bender, A Lawyer's Primer on Feminist Theory and Tort, 38 J. Legal Educ. 3 (1988) (women's values not reflected in tort law theory); Naomi Cahn, Defining Feminist Litigation, 14 Harv. Women's Law Journal 1, 5 (1991) (differentiating between "feminist" and "feminine" legal processes); Anita L. Allen, On Being A Role Model, 6 Berkeley Women's Law J. 22 (1990-91) (arguing that black women's experiences are unique.)

⁴³ Carroll and Dodson, supra n. 37 at 1, 4; Dodson & Carroll, supra n. 32, at 93, 101, 102, 107.

rooms" of legislative, city council or judge's chambers and executive suites, it stands to reason that including them in station ownership might have a similar, though unquantifiable, effect.⁴⁴

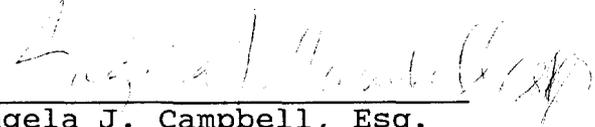
In sum, research in many different areas supports the conclusions of the Commission and Congress that increasing the representation of women in broadcast station ownership will result in greater diversity in viewpoints presented by broadcast stations. Thus, the FCC should reinstate the gender preference.

CONCLUSION

Based on the substantial evidence presented in this proceeding, there is no dispute that women are seriously underrepresented in broadcast ownership and in broadcast programming. Both Congress and the Commission have previously found that increasing the number of women owners would increase broadcast diversity, and the Supreme Court has specifically endorsed similar findings as to minority owners. These conclusions are supported by substantial empirical data. Thus the Commission may and should adopt a separate preference for female owners in a manner that will withstand constitutional scrutiny.

⁴⁴ Dodson & Carroll, *supra* n. 32, at 25, 29, 47.

Respectfully submitted,



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