Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of	)	
	)	
Policies and Rules Regarding	)	MM Docket No. 94-149
Minority and Female Ownership of	)	
Mass Media Facilities	)	MM Docket No. 94-140
	)	

COMMENTS OF

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Black Citizens for a Fair Media
Center for Media Education
Chinese for Affirmative Action
Communications Task Force
Feminist Majority Foundation
Hispanic Bar Association
League of the United Latin American Citizens
National Conference of Puerto Rican Women
NOW Legal Defense and Education Fund
Office of Communications of the United Church of Christ
Philadelphia Lesbian and Gay Task Force
Telecommunications Research Action Center
Wider Opportunities for Women
Women's Institute for Freedom of the Press

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TABLE OF CONTENTS

SUMMARY iii

I. MINORITIES AND WOMEN ARE UNDERREPRESENTED AS OWNERS OF MASS MEDIA FACILITIES 6

A. Ownership Form 323 Should Be Amended to Include Questions Concerning the Ethnicity, Race and Gender of Broadcast Stations to Monitor the Efficacy of the Commission's Proposed Incentives.....8

II. INCREASING OWNERSHIP OF MASS MEDIA FACILITIES BY WOMEN WILL INCREASE DIVERSITY OF PROGRAMMING 13

A. Women Select Different Topics for Presentation Than Do Men 16

B. Women Bring to Issues of Common Interest a Different Perspective Than Do Men 19

C. Women Owners Help Improve the Portrayal of Women.....22

D. The FCC May Constitutionally Adopt Policies Designed to Increase Women's Ownership of Mass Media Facilities 23

III. THE COMMISSION SHOULD USE AN ECONOMIC RATIONALE AS AN ALTERNATIVE LEGAL JUSTIFICATION FOR ITS PROPOSED INITIATIVES TO INCREASE OWNERSHIP OF MASS MEDIA FACILITIES BY MINORITIES AND WOMEN 26

A. The Encouragement of Minority and Women Owned Mass Media Facilities Benefits the U.S. Economy As a Whole 27

B. In a Capital Intensive Industry, The Primary Obstacle Minorities and Women Face in Becoming Owners of Mass Media Facilities is Their Lack of Access to Capital 30

1. Minorities and women have relatively less personal wealth to invest in mass media facilities 34

2. Financial institutions discriminate against minorities and women, even when their education and income are equal 36

IV. THE COMMISSION SHOULD ADOPT THE INCUBATOR PROGRAM FOR MINORITIES AND WOMEN TO INCREASE THEIR OWNERSHIP OF MASS MEDIA FACILITIES 43

A. For the Incubator Program to Lead to Actual Ownership of Broadcast Stations by Minorities and Women, the Commission Should Not Raise the Present Ownership Limits 44

B. The Incubator Program Must Be Carefully Structured To Achieve the Goal of Increasing Ownership by Minorities and Women 45

C. The Commission Should Also Adopt Policies to Promote Minority and Female Ownership of Cable Television Facilities 50

CONCLUSION 53

Appendix A . . . . . App. 1

SUMMARY

The Commenters listed herein represent the interests of men and women of diverse racial and ethnic backgrounds who are listeners and viewers of broadcast radio and television. Commenters urge the Commission to adopt incentives to increase the ownership of mass media facilities by women and minorities. The adoption of incentives is necessary because available data shows that minorities and women remain substantially underrepresented as owners of mass media facilities. To enable the Commission and the public to monitor the efficacy of and continued need for the Commission's proposed initiatives, the Commission should also amend Ownership Form 323 to include questions concerning the ethnicity, race and gender of broadcast station owners. No means presently exist to collect this information in a consistent manner and on a periodic basis.

Like existing incentives to increase minority ownership, adoption of the Commission's proposed initiatives to increase women's ownership of mass media facilities will result in greater diversity of programming for viewers and listeners generally. Women owners influence programming diversity by bringing their unique perspective, experience and voice to the management of their stations and through the employees they hire. This influence on programming can best be seen by the diversity of topics selected by women, the perspectives women bring to issues of common interest, and the improvement of the portrayal of women over the airways--in each of these instances often different than

those addressed by men. Because the record developed in this proceeding demonstrates a nexus between women's ownership of mass media facilities and programming diversity, the FCC may constitutionally adopt policies designed to increase women's ownership of mass media facilities.

In addition to promoting diversity, an alternative legal justification for the proposed initiatives is that they promote equal economic opportunity. Encouragement of minority and women-owned mass media facilities benefits the U.S. economy as a whole. The primary obstacle faced by minorities and women in becoming owners of mass media facilities is lack of access to large sums of capital necessary to the purchase of these facilities. Minorities and women have relatively less personal wealth to invest in mass media facilities. They also have less access to debt and equity capital as a result of the discrimination they encounter by financial institutions, even when their education and income are equal.

Thus, to promote diversity and to remedy minorities' and women's inability to obtain sufficient capital to own mass media facilities, the Commission should adopt a carefully structured incubator program that would increase ownership opportunities for minorities and women. Commenters are concerned, however, that even a properly structured incubator program will not succeed if the current national ownership limits are raised as proposed in a separate proceeding. Raising the limits would remove the incentives for existing owners to offer financial, operational

and training assistance to minorities and women seeking to own mass media facilities. Finally, the Commission should also adopt policies to promote minority and female ownership of cable television facilities

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Black Citizens for a Fair Media, Center for Media Education, Chinese for Affirmative Action, Communications Task Force, Feminist Majority Foundation, Hispanic Bar Association, League of the United Latin American Citizens, National Conference of Puerto Rican Women, NOW Legal Defense and Education Fund, Office of Communications of the United Church of Christ, Philadelphia Lesbian and Gay Task Force, Telecommunications Research Action Center, Wider Opportunities for Women, and Women's Institute for Freedom of the Press [hereinafter Commenters] hereby submit comments in response to the Commission's Notice of Proposed Rule making, Policies and Rules Regarding Minority and Female

Ownership of Mass Media Facilities, MM Docket Nos. 94-149 and 91-140, FCC 94-323 (released January 12, 1995) [hereinafter Notice].

Commenters are public interest organizations representing the views of the general public on issues in the mass media industry.[1] Collectively, these organizations represent the

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[1] **Black Citizens for a Fair Media** has been an active participant before the Commission, the Courts and the Department of Justice on communications issues for more than 30 years.

The **Center for Media Education** was founded in 1991 to improve the quality of electronic media on behalf of children, families, nonprofit groups and the general public. To carry out its mission, CME engages in a variety of activities, including public education, research, advocacy and outreach to the press.

Founded in 1969, **Chinese for Affirmative Action** is a voluntary membership supported by tax-exempt organizations dedicated to promoting equal opportunities for Asian Americans and other racial minorities. Chinese for Affirmative has worked with members of the broadcast industry to promote employment opportunities and to advocate an accurate portrayal of Asian Americans in the mass media.

The **Communications Task Force** was founded in the mid-1970's and is comprised of lawyers, consultants, broadcasters, government employees, journalists and corporate executives involved in the telecommunications field. The Task Force works to promote equal employment opportunity, diversity in ownership and balanced program content in the telecommunications industry.

Founded in 1987, the **Feminist Majority Foundation** is a non-profit organization at the forefront of creating innovative feminist research, education, and training programs for women's equality and empowerment.

Hispanic Bar Association of the District of Columbia (HBA) is a non-profit corporation founded in 1977 to promote equal justice and opportunity for all Hispanics. In additional to its work in advancing the professional status of Hispanic lawyers, HBA gives voice to the concerns of the Hispanic community in submissions before governmental bodies on a wide range of policy issues, including telecommunications.

League of the United Latin American Citizens (LULAC) is the oldest and largest national Hispanic membership organization chartered in 1929 with over 100,000 members throughout the country. Its objectives are to protect and defend the civil rights of all Americans, and to improve the quality of life for all Americans. LULAC has often appeared before the FCC to vindicate the rights of minorities, particularly Hispanics, who are denied the full enjoyment of their constitutional rights.

Established in 1975, the **National Conference of Puerto Rican**

Women is a non-profit organization to promote the equal participation of Puerto Rican and other Latina women in the social, economic, and political life of the United States. NACOPRW fulfills its mission through educational programs and advocacy which promotes equal access of Puerto Rican and other Latina women to all institutional sectors, including the telecommunications industry.

NOW Legal Defense Fund and Education Fund is a non-profit public interest law firm committed to securing and protecting women's right to be free from discrimination. Founded in 1970 by members of the National Organization of Women, NOW LDEF is an independent organization that has, for 25 years, used litigation, legislation and public education to promote women's equality. Since its inception, women's involvement in media and communications have been particular concerns of NOW LDEF. Among other things, in the 1980's, NOW LDEF's Media Project campaigned for greater representation of women in media outlets; currently, NOW LDEF monitors and, when necessary, initiates litigation, to ensure women's access to "non-traditional" employment.

For the past 25 years, the **Office of Communication of the United Church of Christ** has been a stalwart civil advocate on behalf of the public interest. The Office of Communication represents those traditionally disenfranchised from the electronic media: the elderly, the disabled, low-income individuals, and minorities.

The **Philadelphia Lesbian and Gay Task Force** is a civil and human rights advocacy organization formed in 1978. Its statewide research efforts in discrimination and violence, as well as its negotiations in public policy, focus on civil rights, mass media equity, and education equity goals on behalf of nearly one million gay and lesbian people, multiracially, in Pennsylvania and about 160,000 people in Philadelphia. Since 1989, the Task Force has been extensively involved in mass media research as well as women and minority coalition efforts to challenge Philadelphia broadcast licensees for the consistent underrepresentation, marginalization, and devaluation of women and racial and ethnic minorities in both programming and employment.

Telecommunications Research and Action Center is a non-profit, tax-exempt organization dealing with telecommunications issues. TRAC has a membership of about 1,000 and traditionally TRAC has had a strong advocacy program based on opposition to consumer access line charges, local measured service and a generally pro-regulatory position.

Wider Opportunities for Women (WOW) is a national women's employment organization that works to achieve economic independence and equality of opportunity for women and girls. For nearly 30 years, WOW has helped women learn to earn, with programs emphasizing literacy, technical and nontraditional skills, and career development. WOW also leads the Women's Work

interests and viewpoints of thousands of broadcast television viewers and listeners all around the country. Those viewers and listeners have a strong interest in receiving programming covering diverse issues and reflecting diverse perspectives. Commenters believe that information, ideas, perspectives, and viewpoints emanating from diverse sources positively contribute to the national and local dialogue on pressing issues of public importance. Commenters believe access to such information better enables them to be informed decisionmakers on the policies that affect their local communities and the country at large.

The Commission initiated this rule making proceeding to ascertain whether minorities and women are underrepresented as owners of mass media facilities and whether new incentives should be adopted to increase their ownership opportunities. These comments begin by demonstrating that minorities and women are underrepresented as owners of mass media facilities. But since the ownership surveys done to date have been sporadic and used different definitions of what constitutes ownership, Commenters urge the Commission to amend its Ownership Report Form 323 to include questions concerning race, ethnicity and gender of

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Force Network, which is comprised of over 500 independent women's employment programs and reaches more than 300,000 women each year.

The **Women's Institute for Freedom of the Press** is a network of some 800 media women and media-concerned women working toward expanding exercise of our citizen right to freedom of the press in all forms of media. Founded in 1972, it does educational work, research, and publishing to advance equality of media access to the public.

licensees. Commenters believe annual collection of this information will enable the Commission to systematically collect current statistics on minority and female ownership and to monitor the success of the FCC's proposed initiatives.

The Comments next discuss empirical evidence that demonstrates a nexus between women's ownership of broadcast facilities and diversity of programming. Commenters conclude that increasing ownership by women will increase programming diversity for viewers and listeners at large. Therefore, the Commission may constitutionally adopt incentives to increase ownership for women under the traditional diversity analysis.

The Comments also find that the proposed incentives for both minorities and women are warranted under an alternative economic rationale because both minorities and women face substantial economic obstacles and adversity to becoming owners of mass media facilities. Lack of access to capital is the principal impediment minorities and women confront in becoming owners of mass media facilities. Studies show minorities and women have insufficient personal wealth to purchase mass media facilities. This is further compounded by the erroneous negative perceptions held by lending institutions about the qualifications of minorities and women to own businesses which often forces minorities and women to turn to expensive financial alternatives. Therefore, the Commission should recognize the economic disadvantages minorities and women encounter in becoming business owners, and adopt incentives to facilitate their ownership of mass media

facilities.

Finally, these Comments conclude that implementation of an incubator program would effectuate real ownership opportunities for minorities and women. However, for the incubator program to offer existing owners sufficient incentive to invest in minority- and women-owned communications businesses, the Commission should not relax the national ownership limits as proposed in a related proceeding.

I. MINORITIES AND WOMEN ARE UNDERREPRESENTED AS OWNERS OF MASS MEDIA FACILITIES

Minorities and women are substantially underrepresented as owners of mass media facilities. While minorities and women comprise 23[2] and 46[3] percent of the total labor force, respectively, only a small percentage of minorities and women are owners of mass media facilities. In 1994, only 323 of 11,128 broadcast facilities were owned by minorities.[4] Minorities owned 31 of 1,155 television stations, or 2.9 percent.[5] Of the 9,973 radio stations, minorities owned 292, or 2.9 percent.[6]

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[2]Notice at ¶ 5.

[3]Implementation of Commission's Equal Employment Opportunity Rules: Report in MM Docket No. 94-34, 9 FCC Rcd 6276 (1994).

[4]The Minority Telecommunications Development Program, National Telecommunications and Information Administration, Analysis and Compilation of Minority-Owned Commercial Broadcast Stations in the United States (Sept. 1994) [hereinafter 1994 MTDP Report] (see Chart, A Comparative Analysis of Minority Owned Commercial Broadcast Stations Licensed in the United States in 1992, 1993, and 1994 [hereinafter 1994 MTDP Chart].

[5]Id.

[6]Id.

Likewise, a study conducted by the Congressional Research Service in 1988, found that women held 51% or more ownership interest in 7.1% of the broadcast stations surveyed.[7]

Data from these and other studies completed in 1982,[8] 1987,[9] and 1988[10] consistently conclude that minorities and women are underrepresented as owners of mass media facilities. However, the degree to which minority and women owners are underrepresented vary in each of these studies because the studies used different definitions of ownership and were taken in different years.

These studies used different definitions of ownership because neither the FCC, nor any other federal government agency,

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[7]Congressional Research Service, Minority Broadcast Station Ownership and Broadcast Programming: Is There a Nexus? 12 (1988) [hereinafter 1988 CRS Report]. More recent statistics on women-owned businesses are expected to be released by the Bureau of the Census in June 1995.

[8]A study commissioned by the FCC in 1982, found that women were majority owners of 8.5% of the AM stations, 9% of the FM stations, and 2.8% of the television stations across the country. ERLA Group Inc., Female Ownership of Broadcast Stations 45 (1982) [hereinafter 1982 ERLA Report].

[9]A study based on 1987 data found that of the 1,342 television stations operating in the United States, only 26 or 1.9%, were owned and controlled by women. See U.S. Department of Commerce, Bureau of the Census, Women Owned Business (1990) (based on interview with Bureau representative citing breakdown of 1987 economic census). Similarly, of 10,244 radio stations, only 394 or 3.8% were owned by women. Id. More recent statistics are expected to be released by the Bureau of the Census in June 1995.

[10]According to a CRS Study undertaken in 1988, only 1.9 percent of Black owners had a 51 percent ownership interest. 1988 CRS Report, at 9. Likewise, Hispanics owned only 1 percent; Asian's 0.18 percent and Indians only 0.4 percent of all stations. Id.

systematically collects any information on the race, ethnicity and gender of the owners of mass media facilities. To date, this information has been obtained through sporadic surveys.[11] At present, the only way to ascertain the race, ethnicity and gender of each station owner is to contact each of the 12,294[12] broadcast television and radio stations.[13] It is important that the FCC begin to collect information concerning the race, ethnicity and gender of owners in a consistent manner and on a periodic basis to monitor the success of existing as well as proposed initiatives.

A. Ownership Form 323 Should Be Amended to Include Questions Concerning the Ethnicity, Race and Gender of Broadcast Stations to Monitor the Efficacy of the Commission's Proposed Incentives

In ¶ 39 of the Notice, the Commission inquires whether it should revise its "Annual Ownership Report Form 323" to include a

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[11]NTIA compiled the most recent statistics on minority ownership of broadcast facilities. 1994 MTDP Report. NTIA had to rely solely on the information they received by contacting individual radio and television stations. Id. at 3.

[12]By the Numbers, Broadcasting and Cable, Apr. 24, 1995 at 58. According to this survey, there are:

Commercial stations AM	4, 909
Commercial stations FM	4, 122
Educational stations FM	1, 736
Commercial VHF	559
Commercial UHF	605
Educational VHF	123
Educational UHF	240

[13]Although the gender of station owners may, in some cases, be discerned by reviewing the name listed on the annual ownership report, often times names are indicated by initials alone or by names that are gender neutral.

section requiring owners to identify their race, ethnicity and gender. We believe the Commission should expeditiously amend Ownership Form 323 to include questions regarding ownership by minorities and women for collection on an annual basis to permit monitoring of the effectiveness of the FCC's programs presently in place and any adopted at the close of this proceeding. Indeed, such monitoring may be necessary because of the "narrowly tailored" requirement that special assistance to minorities and women terminate once fair representation is achieved.

Currently, the Commission annually collects information regarding the race and gender of employees at broadcast stations, cable facilities and common carriers to monitor their compliance with the Equal Opportunity rules and to assess industry trends.[14] The Commission has found such "statistical information is useful to show industry employment patterns and raise appropriate questions as to the causes of such patterns."[15] The FCC posited that "if none of the broadcast stations in a city with a large Negro population had any Negro employees in other than menial jobs, a fair question would be raised as to the cause of this situation."[16] The FCC refused to

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[14]Annual Statistical Profile Report (FCC Form 395). FCC Form 395 collects information regarding the sex and race or ethnicity of persons in nine job categories, however it does not ask for similar information for a station's owners.

[15]Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices, 23 FCC 2d 430, at 4 (1970).

[16]Id.

assume that the underlying reason was because there were no persons of color who were qualified.[17] The FCC concluded that the burden to the industry of furnishing the data and to the Commission of analyzing the data was minimal compared to its importance where the reports could be fed into a computer programmed to provide a variety of profile statistics.[18]

Similarly, the usefulness of annually collecting the most current information regarding ownership patterns of minorities and women is that if there are 23 percent minorities and 46 percent females in the national workforce, but only 2.9 percent minorities and 7.1 percent women who own broadcast radio or television stations, the inference is raised that economic or other barriers may be preventing greater ownership opportunities by these groups. And the only way to tell if the incentives presently implemented, and those adopted as a result of this proceeding, lead to an increase in minority and women's ownership, is to collect consistent data and analyze it over time.[19]

We propose that Ownership Form 323 be amended to facilitate the annual collection of statistical data on minority and female

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[17] Id.

[18] Id. at n.2.

[19] See also Remarks of Commissioner Susan Ness before the Women of Wireless Conference, Washington, D.C., Nov. 4, 1994 at 2 ("I am frustrated that few facts are available on the number of female-owned communications companies. It is hard to know the progress being made unless one has a baseline against which to measure it.").

ownership. The Commission should define minority and female ownership in the same way that it has for the tax certificate, distress sale and "bump-up" policies.[20]

Using the definition above, the Commission should add the following questions to page three of Ownership Form 323.[21]

> Do women or members of racial or ethnic minority groups hold ownership interests in this station? (If the answer is yes, complete the questions below. If the answer is no, you may skip those questions.)
>
> If members of racial or ethnic minority groups hold ownership interests in this station, give the percentage interest held by each group. What is the minority total? Does the total constitute a controlling interest? Do minorities otherwise exercise control?
>
> If women hold ownership interests in this station, give the percentage interest held by women. Does this constitute a controlling interest? Do women otherwise exercise control? What percentage of women listed herein are also minorities?
>
> When this station was acquired by the current owners, were any of the following F.C.C. policies utilized?
>
> 1. Distress sale
> 2. Preference for minority group members in comparative hearings
> 3. Tax certificate
> 4. Incubator Program [if adopted]

The Commission should require all broadcast radio and television stations to submit a revised Form 323 as soon as possible to facilitate the FCC's collection of information in

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[20]See Policy Statement on Minority Ownership of Broadcasting Facilities, 68 FCC 2d 979, 983 (1978) (tax certificate and distress sale); Amendment of Section 73.3555 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations, 100 FCC 2d 74 at ¶ 46 (1985)(minority "bump up").

[21]The questions presented are similar to questions asked by the FCC in a one time solicitation of information in 1988 CRS Report at 52.

this rulemaking proceeding. Thereafter, the Commission should require that the Ownership Form be filed on that same date each year by all licensees.[22]

To modify Form 323, the FCC must make a request to the Office of Budget and Management (OMB).[23] The FCC should not have difficulty obtaining OMB's approval for this form change.[24] In 1988, OMB expeditiously approved a similar request for a collection of information by the FCC.[25] At that time, the FCC devised a one-time collection of information report to collect data on minority and female ownership of television and radio broadcast stations.[26] OMB approved the report finding that it was not duplicative of other information collected by the

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[22]At present, each licensee of a commercial AM, FM or TV broadcast radio or television station is required to file Ownership Form 323 once a year, on the anniversary of the date that its renewal application is required to be filed. 47 C.F.R. § 73.3615. Sole proprietorships and partnerships, however, need only file initially and report any changes. Id. Such filing practices by sole proprietorships and partnerships would remain sufficient.

[23]The Paperwork Reduction Act of 1980 as amended, 44 U.S.C. Ch. 35, and the regulations promulgated at 5 C.F.R. § 1320, grant OMB the authority to create and modify the collection of information by all Federal Agencies. Expedited form changes are permitted under 5 CFR § 1320.18(a) where it is essential to the mission of the agency and public harm would result if normal procedures were followed. In this case, determining the number of facilities owned by minorities and women is essential to the FCC's mission of promoting diversity and economic opportunity.

[24]Nevertheless, if the expedited processing is disapproved, the FCC may override the disapproval by a majority vote of its Commissioners. 5 C.F.R. § 1320.20.

[25]1988 CRS Report at 48.

[26]Id.

Commission or any other Federal Government Agency.[27] OMB also found the burden on respondent radio and television stations was minimal, only 15 minutes.[28]

Therefore, the FCC should immediately submit a request for a form amendment to OMB and upon approval, require all licensees to file the requested information for use in this rulemaking proceeding. Thereafter, the FCC should require this information to be filed on the same date each year by all licensees. Although collection of this information would be useful in this proceeding, currently available statistics are sufficient to show that minorities and women remain substantially underrepresented as owners of mass media facilities, thus supporting the need for further initiatives to foster minority and female ownership.

II. INCREASING OWNERSHIP OF MASS MEDIA FACILITIES BY WOMEN WILL INCREASE DIVERSITY OF PROGRAMMING

The FCC already has in place some incentives designed to remedy the underrepresentation of minorities as owners of mass media facilities. The Supreme Court has upheld the constitutionality of these policies, i.e., preferences in comparative hearings and distress sale, on the ground that increasing minority ownership of mass media facilities results in an increase in diversity of programming presented.[29] At ¶ 7,

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[27] Id. at 50.

[28] Id.

[29] Metro Broadcasting, Inc. v. FCC, 497 U.S. 547, 580 (1990) (finding that "[a] broadcasting industry with representative minority participation will produce more variation and diversity than will one whose ownership is drawn from a single racially and

the Notice asks commenters to address the extent to which women's ownership similarly contributes to diversity of programming distributed by the mass media.

Commenters believe that increasing women's ownership of mass media facilities would increase viewpoint diversity for viewers and listeners because women bring their unique perspective, experience and voice to the management of their stations. Many women owners work at their stations, and even those who do not, are still ultimately responsible for and influence the decisions made and the programming selected to be aired.[30]

Women station owners are also more likely to hire women in positions that directly influence the content of programming aired by the station, e.g., general managers, program directors, news directors, news anchors, reporters, and editors. Because studies show that minority owners are more likely to employ minorities in managerial and other important positions,[31] it is

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ethnically homogenous group.").

[30]According to David Bartlett, President of Radio and Television News Director Association, it is management that shapes the current and future product because management "makes the judgments with respect to news coverage, with respect to overall approaches, with respect to assignments, with respect to hiring." Civil Rights Update, U.S. Commission on Civil Rights, Minorities are Advised to Go 'Off-Air' for Power in Television and Radio News, 4 (Dec. 94 & Jan. 95).

[31]Similarly, studies show David Honig, Relationships Among EEO, Program Service, and Minority Ownership in Broadcast Regulation, in Proceedings from the Tenth Annual Telecommunications Policy Research Conference 1988-89 (O. Gandy, P. Espinoza, and J. Ordover eds. 1983) (both Afro-American and Hispanic owned radio stations have hired minorities in top management and other important job categories at a far higher rate than have white-owned stations, even where both stations had

likely true that women owners would have a similar record in hiring women for important positions. In fact, an examination of the employment profiles of seven broadcast stations owned by women revealed that a majority of stations had more women employees than the national average, both overall and in the top four job categories.[32]

Moreover, these findings are consistent with the only other study Commenters found documenting the relationship between women owners and hiring. A 1975 study of women in public broadcasting concluded that female managers are more likely than male managers to find qualified women to hire at the managerial level.[33] Other studies have found that women decision-makers make special efforts to foster the inclusion of other women, whereas men, similarly situated, believe that women do not have the charac-

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Afro-American-oriented or Spanish-language formats). See also 1995 NTIA Report at 28 (finding minority owners hired more minorities and non-minorities hired non-minorities even when they were located in minority communities).

[32]The methodology and results of this study are reported in Appendix A.

[33]See Corporation for Public Broadcasting, Report of the Task Force on Women in Public Broadcasting, at 48 (1975) [hereinafter Corporation for Public Broadcasting]. As one male station manager quoted in this study stated:

> I feel that given the classic job division, it is difficult for men to keep from thinking of certain jobs as male and others as female. I think it is hard for men to think of hiring women in decision-making positions because men tend to think of a woman in terms of her being a woman and not in terms of the job she is doing.

Id.

teristics which are needed in decision making positions.[34] The effect of increased numbers of women as owners, and as employees in positions affecting content decisions, is threefold. First, many women select different topics for presentation to the public than do men. Second, even when addressing gender neutral topics, many women may approach those issues from a different perspective. Third, where there are more women in influential positions, the portrayal of women over the air is improved.

A. Women Select Different Topics for Presentation Than Do Men

Studies demonstrate that women select different topics for presentation than do men. For example, the Congressional Research Service (CRS) Report found that stations with women owners offered more programming targeted toward Asians, Blacks, Hispanics, Native Americans/Alaskans, children, and the elderly than stations owned by non-minority male owners.[35] In five large cities, 48% of stations owned primarily by women broadcast programming for senior citizens while only 21% of the stations owned by non-minority men did.[36] The CRS report concluded that "stations with women owners . . . [program] a substantial

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[34]Debra L. Dodson ed, Gender and Policymaking: Studies of Women in Office, Center for American Women and Politics, Rutgers University (1991) at 4,5 [hereinafter Dodson on Gender]; Debra L. Dodson and Susan J. Carroll, Reshaping the Agenda: Women in State Legislatures, Center for American Women and Politics, Rutgers University (1991) at 93, 101, 102, 107[hereinafter Dodson & Caroll].

[35]1988 CRS Report at 15-20, Figures 5A-11A.

[36]Id. at 67.

percentage [of] program[ming] for black and Hispanic audiences."[37]

Another study undertaken in the newspaper industry found gender differences between women and men newspaper editors of "women's" or "lifestyle" pages.[38] When asked what their sections should emphasize, the gender differences were great. Sixty-eight percent of the men said their section should be traditional, 25% said it should focus on leisure and entertainment, and 7% said it should emphasize information for social change.[39] In comparison, only 51% of female editors said their section should be traditional, 9% said it should focus on leisure, and 40% said it should be a source of information for social change.[40]

Even outside the field of mass media, numerous studies conclude that women select different issues to address then do men. Analysis of women legislators at both the state and federal levels demonstrate that they introduce more bills related to children, families, and other topics concerning social change

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[37]Id. at 44 (emphasis added).

[38]Sharyne Merritt and Harriet Gross, Women's Page/Lifestyle Editors: Does Sex Make a Difference?, 55 Journalism Quarterly 508 (1978). About three-quarters of the section editors of both sexes indicated that their paper's emphasis was the traditional focus: reporting on domestic concerns, social events and family life. Id. at 510. Of those editors whose sections were non-traditional, a much higher percentage of men focused on leisure and entertainment, while a far higher percentage of women focused on issues of public awareness to potentials for social change. Id.

[39]Id.

[40]Id.

than most male legislators.[41] Regardless of party affiliation, women representatives are also much more likely to press issues such as domestic violence, day care, insurance coverage for mammography, sexual harassment, pay equity, and better treatment of rape victims than their male counterparts.[42] Studies of female city council members, mayors, judges, and appointed officials at both the state and federal levels revealed similar results.[43]

Similarly, the so-called "gender gap" in public opinion polls and voting behavior also demonstrates that women and men place emphasis on different issues. Exit polls for the election held in November 1994 showed many male voters may have been motivated to go to the polls by issues such as better crime

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[41]See, e.g. David Finkel, Women of the House: Women on the Verge of a Power Breakthrough, The Wash. Post Magazine, May 10, 1992, at 15, 30 (citing Congresswomen's support for women's health issues such as breast cancer research) [hereinafter Finkel]; Dodson & Carroll, Reshaping the Agenda (female legislators more likely to sponsor women's rights legislation, and had different policy agendas, priorities, and leadership styles).

[42]Dodson & Caroll, Reshaping the Agenda, at 92, 93. Women legislators also listed "child care and other work issues for women" and equal employment policies among their top priorities. In addition, they noted "an increased tendency . . . to approach policy analysis, development and implementation with a special sensitivity to the potential impact on women workers, women clients or communities." Catherine M. Havens and Lynne M. Healy, Cabinet-Level Appointees in Connecticut: Women Making a Difference, in Dodson on Gender at 21, 25.

[43]Janet K. Boles, Advancing the Women's Agenda Within Local Legislatures: The Role of Female Elected Officials in Dodson on Gender at 40-44 (thirteen out of sixteen women reported working on women's issues, but only six out of sixteen men reported the same in a study of Milwaukee's elected officials).

control and decreasing taxes.[44] Polls show that women overall are more likely to favor laws on gun control, environmental protection, restricting drugs, gambling, and pornography, programs to help the economically disadvantaged, and to achieve racial equality.[45]

Collectively, these findings in different areas -- newspaper editing, legislators, and voting -- strongly suggest that women focus on different topics than do men. Therefore, it is likely that women as mass media facility owners and as employees in other key positions would select different topics for presentation then would men. Enlarging the selection of topics presented to viewers and listeners in this way benefits the public at large.

B. Women Bring to Issues of Common Interest a Different Perspective Than Do Men

Not only do women address different issues then men, but research indicates that women often approach issues of common interest from a different perspective than their male counterparts. A study of newspaper journalism concluded:

> Simply put, the presence of more women in the newsroom has changed some attitudes of their male editors. The presence of more women covering stories has led to more women being interviewed. Many men see only men as subjects for quotations while women . . . interview

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[44]Richard Morin and Barbara Vobejda, '94 May Be the Year of the Man: GOP is Powered by Male Support, Wash. Post, Nov. 10, 1994, at A27.

[45]Dodson on Gender, at 4, 5.