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July 16, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Applications for Transfer of Control of Hispanic Broadcasting Corp., and Certain Subsidiaries, Licensees of KGBT (AM, Harlingen, Texas et al. (Docket No. MB 02-235, FCC File Nos. BTC-20020723ABL, et al.)

Dear Ms. Dortch:

Spanish Broadcasting System, Inc. (“SBS”) requested that a group of preeminent communications scholars convey their views regarding the special structure of Spanish-language broadcast media and the relationship that Hispanic Americans have to such media. Their response is the attached study, entitled “Sociological Considerations Relevant to the Merger of Univision and HBC” (the “Study”).

The authors of the Study are highly regarded intellectual leaders in their fields with substantial credentials and years of experience researching the media. Drs. Subervi, Gibens, López-Pumarejo, Rios, Santa Ana, Schement, and Soruco are among leading authorities and experts not only in the United States, but across the globe, on the subject of Hispanic consumers and mass media behavior, advertising and public relations in Hispanic markets, as well as advertising account planning that is unique to the realities of the Hispanic market. Their multidisciplinary research, supported by a variety of well-established scientific research & development institutions and foundations, as well as broadcast and telecommunications corporations, focuses on the interplay of ethnicity/race, culture, and gender in communications, and on the social and policy consequences of the production and consumption of information, with a special interest in policy as it relates to Hispanics.

In the course of over thirty years, they have produced an enormous body of work. Together, they have authored or co-authored over 300 books, book chapters, journal articles, papers, and book reviews, as well as reports to public policy centers, research foundations, museums, and universities on a variety of issues related to Hispanics and the media; including, among others, the role of Spanish-language based media, relations between mass media and the Hispanic population, social structure and class in the communication paradigm, effects of communication and socioeconomic status on political

participation, representations of Hispanic and Anglo interactions on prime-time TV, news and race models, Hispanic media and Hispanic politics, the interplay of race, ethnicity and media, community-based organizations serving Hispanics in America, and health coverage of Hispanics in U.S. newspapers.

In addition to their teaching and research responsibilities, they have served on the editorial boards of a number of highly-respected journals, as well as advisory and steering committees for such institutions as the National Academy of Sciences, the National Research Council, the National Endowment for the Humanities, the Office of Technology Assessment of the United States Congress, the United States Commission for Human Rights, and the Center for Disease Control and Prevention. In addition, several of these scholars also sit on the board of directors of Media Access Project, Libraries for the Future, Internet Policy Institute, Open Society Institute, and the Center for Media Education.

The Study sets forth many important concepts:

- Hispanic Americans, as a group, maintain unusual cultural resilience as compared with other immigrant groups. This cultural resilience and the continuing influx of Hispanic immigrants explains why there is and will continue to be a large segment of the U.S. population with significant dependence on Spanish-language media for access to important news and information.

This adaptation process—maintaining a strong ethnic identity in spite of acculturation—is not only distinct among Hispanic Americans compared to other groups, but it is persisting. In other words, it is not a passing trend among the vast majority of this population.

One of the implications of these characteristics is that practically all Hispanic-oriented media will continue to play central roles in this distinct socialization process. This is especially the case for Spanish-language broadcast media because of their pervasiveness and inexpensive availability across the country. That socialization process in Spanish is indispensable and most valued as this language remains central to Hispanic Americans.

- Hispanic Americans regularly and loyally depend on Spanish-language television and radio as an important source for news and information. This choice is more than a mere format choice, it is also a language choice, a cultural content choice, and a cultural value choice.

While numerous studies will attest to the complex language patterns of Hispanic Americans, the fact remains that the use of the Spanish language (albeit with varying degrees of fluency) remains strong and constant in the daily lives of this population. Approximately 25 percent of Hispanic Americans (i.e., almost 10 million people) are most comfortable in Spanish and rely on it almost exclusively for their daily routines. A very large group, approximately 50 percent of the US Hispanic population, is

bilingual with varying degrees of fluidity in one or both languages. Thus, regardless of an individual's family heritage or particular Hispanic identity, or even level of dominance of the language, he/she will likely encounter on a regular basis the use of the Spanish language at home, work, and in various social settings.

For all these Latinos whose only or primary language is Spanish, crucial information about "how things work" in this country comes from Spanish-language radio stations. The information transmitted by way of Spanish-language radio is therefore a conveyor and creator of the Hispanic American cultural heritage, and an avenue for learning to adapt to Anglo-American culture as well.

- Hispanic Americans are particularly loyal once they have established brand and product preferences. Among other consequences, this trait makes it difficult for new entrants to compete with established media, of which Univision and HBC are the most deeply entrenched.

Hispanic Americans exhibit strong consumer loyalty in purchase preferences. Once a product or service is selected, Hispanics tend to stick with it. This often includes loyalty to a TV station or radio station so that Univision or Telemundo loyalists adhere to the respective network's station in their community.

Once a pattern has been established, there is a tendency to stick to it. Although this is not exclusive among Hispanic Americans, product entrenchment is a reality in this population. A crucial implication of this pattern is that entry to the Latino market is much more difficult, not only for consumer products but also for new media outlets including broadcast media.

- The merger should not be permitted at this time. It is imperative that additional research on the consequences of the concentration of Spanish-language media ownership and the effects on Hispanic American audiences be conducted and considered before a decision is made that would further concentrate ownership in the Spanish-language media market.

This is the first major media merger decision following the adoption of the new media ownership rules. Yet Spanish-language broadcasting media ownership issues have not been studied in the deliberations about general market media, nor have they ever been studied. The FCC would be irresponsible to allow the Univision-HBC merger without assessing the questions we have noted. Since there are no studies on how the Hispanic American audiences are affected by mergers with this degree of concentration, it is impossible to conclude that the Univision-HBC merger would be in the public interest.

Several important concepts discussed in the Study correspond with statements made by the parties themselves. For example, the Study states that the Hispanic identity remains strong in every community where Latinos reside and that the Spanish-language broadcast media will continue to play an important role in the retention of Hispanic identity. Likewise, the parties themselves note the high rate of Spanish-language retention among Hispanics, as well as strong population growth.¹ Similarly, the Study notes the market dominance of Univision and HBC stations. Not surprisingly, Univision's and HBC's SEC filings describe the same phenomenon.² Importantly, conclusions related to programming set forth in the Study are also supported by previous filings by the parties. The Study states that Hispanic Americans "prefer Hispanic-relevant news and public affairs content sources." Univision clearly agrees with this conclusion.³ The study discusses some of the barriers to entry into Spanish-language broadcasting. Univision also recognizes the substantial barriers to entry to the Spanish-language media market, stating that its conversion of acquired English-language stations to Spanish-language involves risks and losses due to the time required to build up ratings and station loyalty.⁴

The widespread and persistent use of the Spanish language among Hispanic-Americans and the overlap of radio and television in terms of meeting the needs of the Hispanic culture in the United States have been noted by the Study and the parties themselves, as well by a multitude of outside researchers. In general, it is widely recognized that language is key to sustaining and defining a

¹ See Univision Communications, Inc., SEC Form 10-K Annual Report for the year ended Dec. 31, 2002, at 9 (filed Mar. 24, 2003) ("2002 Univision 10-K").

² See *id.* at 5-6, 10-11 (noting that Univision Network is the leading Spanish-language television network in the U.S., reaching more than 97% of all Hispanic Households; Univision is the most watched television network (English or Spanish-language) among Hispanic Households; Univision had a higher rating among Hispanic Households in prime time than its next four competitors combined in the 2001-2002 season; Univision consistently ranks first in prime time television among all Hispanic adults; and Univision consistently has between 95% and 100% of the 20 most widely watched programs among all Hispanic Households); Hispanic Broadcasting Corporation, SEC Form 10-K Annual Report for the year ended Dec. 31, 2002, at 3 (filed Mar. 31, 2003) (noting that HBC operates the leading Spanish-language radio station in the adult 25-54 age group in 9 of the 15 largest Hispanic markets); see also Univision Communications, Inc., SEC Form 10-K Annual Report for the year ended Dec. 31, 2001, at 10 (filed Mar. 29, 2002) ("2001 Univision 10-K"); Hispanic Broadcasting Corporation, SEC Form 10-K Annual Report for the year ended Dec. 31, 2001, at 3 (filed Apr. 1, 2002); Hispanic Broadcasting Corporation, SEC Form 10-K Annual Report for the year ended Dec. 31, 2000, at 3 (filed Mar. 30, 2001).

³ See 2002 Univision 10-K at 9 ("The Company believes that the strong Spanish-language retention among Hispanics indicates that the Spanish-language media has been and will continue to be an important source of news, sports and entertainment for Hispanics.").

⁴ See 2001 Univision 10k at 19 (stating "[t]hese format conversions may be unsuccessful in any given market, and we may incur substantial costs and losses in implementing this strategy").

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cultural identity. Research indicates that most Hispanics perceive Spanish-language media as very important to them personally and that cultural traits, particularly the retention of the Spanish language, are found in Hispanic-American families even when they have resided in the United States for several generations.

Respectfully submitted,

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SOCIOLOGICAL CONSIDERATIONS RELEVANT TO THE MERGER OF UNIVISION AND HBC¹

Introduction and Executive Summary

One of the major factors to take into consideration in the discussions of the rules pertaining to the structure of Spanish-language broadcast media is the relationship that Hispanic Americans² as audiences, have to such media. The document that follows summarizes some important findings and issues based on social science research. The key points are:

- Many Hispanic Americans are effectively dependent on Spanish-language broadcast media for news and information that directly affects their daily lives in this country.
- A substantial number of immigrants who are primarily Spanish-language speakers continue to arrive in the United States and are dependent on Spanish language broadcast media for their well-being and adaptation to this country.
- Research consistently indicates that the processes of adaptation (i.e., pluralism, acculturation or assimilation) are very distinct for Hispanic Americans in comparison to what was the case for other immigrant groups; Spanish-language broadcast media are central players in the adaptation processes.
- The bad consequences of the proposed merger are not just about the language in which the information is presented, but also the specific content that is provided.
- Before authorizing this merger, with its potential negative consequences for Hispanic Americans and the nation as a whole, many issues need to be better understood.

We conclude, on the basis of all available research, that it is premature to permit the merger of Univision and the Hispanic Broadcasting Corporation.

1. Hispanic Americans Are A Very Diverse And Complex Population.

Diversity stems from the heritage of each of the countries from which Hispanic Americans have migrated and to which they still hold strong social, cultural, family, business, and political ties. Language styles, traditions, and family values are among the many patterns that vary within and across Hispanic sub-groups. Patterns are even more complex given the dynamics stemming from cultural exchanges and intermarriage between Hispanics of various backgrounds and other non-Hispanic groups.

This diversity and complexity does not imply a lack of common interests and characteristics that allow for considering Hispanic Americans as a whole for purposes of producing media and marketing products, be these consumer goods, services or political candidates. It does imply, however, that the production of news, entertainment and other information for Hispanics requires an acute understanding of that diversity and complexity, and that particular attention should be paid to the local and regional socio-cultural characteristics that distinguish the various Hispanic American populations across the country.

Moreover, the linkages between geographical location and particular Hispanic American sub-groups are becoming less clear as the population diversifies and “diffuses” (e.g. Mexican Americans in the Midwest and Northeast, Puerto Ricans in many major cities). This places added importance on the diversity of content in national broadcast media given that local markets are less “sub-group specific.”

In essence, there is a “layer” of common denominators and there is another “layer” of diversity and complexity. In a media democracy, radio and television should address these two layers of Hispanic American identity. The problem with consolidation is that as the number of media voices shrink, the consolidated media tend to address only the common denominators—be it in terms of cultural, social, or even political content. Those aspects that make communities different from each other fall in between the cracks because the few media sources are trying to reduce costs and increase productivity, meaning producing one single product for a wider and wider market. Any potential reduction in the opportunities for a wider diversity of creative voices in music, social, economic and cultural life, and even more so in politics, is counterproductive to the democratic process and the development of Hispanic Americans in the United States.

2. National Ethnic Identities and New Hispanic/Latino Identities Remain Strong.

In the United States, ethnicity is one of the strongest factors upon which people establish a distinct sense of personal or group identity. Ethnicity, with its multiple related factors such as race, country or region of origin, and culture (which itself includes language, religion, history, traditions), remains a central organizing force for individuals and the larger groups they may belong to.

For Hispanic Americans, this tenet holds true, even for those who are US citizens and have US-based family ties dating back numerous generations. Labels that connect to the family's national origin (e.g., Puerto Rican, Cuban, Mexican, Dominican) remain the preferred ethnic identifier for large segments of the Hispanic population. For other segments, the hyphenated label, with the national origin word first (e.g., Mexican-American), also remains a deep-seated identifier.

At the same time, new pan-Hispanic/Latino identities are developing among new generations of Hispanic Americans whose parents are from different national backgrounds. Many of these Hispanic Americans (whose parents are from different countries) are raised speaking English and are generally bilingual. Yet a distinct (Hispanic/Latino, Hispanic American) identity remains.

Because identities based on national heritage or the new emerging pan-Hispanic heritage remain strong, Hispanic Americans have interests and engage in efforts to learn about the socio-cultural characteristics that stem from such heritage. And, different from the European immigration experience, this holds true even as Hispanics socialize into the dominant American society. Ethnic pluralism (i.e., maintaining a Latino heritage or identity) does not necessarily impede the mutually inclusive process of adaptation (acculturation) to many of the norms of the mainstream (Anglo) society considered valuable for social, economic, and political mobility. Yet even as the latter process takes place, the Hispanic identity and its numerous manifestations remain strong, dynamic and vibrant in every community where Latinos reside.

This adaptation process—maintaining a strong ethnic identity in spite of acculturation—is not only distinct among Hispanic Americans compared to other groups, but it is persisting. In other words, it is not a passing trend among the vast majority of this population.

One of the implications of these characteristics is that practically all Hispanic-oriented media will continue to play central roles in this distinct socialization process. This is especially the case for Spanish-language broadcast media because of their pervasiveness and inexpensive availability across the country. That socialization process in Spanish is indispensable and most valued as this language remains central to Hispanic Americans.

3. The Spanish Language Is A Strong Force For Identity And Socio-Cultural Life.

While numerous studies will attest to the complex language patterns of Hispanic Americans, the fact remains that the use of the Spanish language (albeit with varying degrees of fluency) remains strong and constant in the daily lives of this population. Approximately 25 percent of Hispanic Americans (i.e., almost 10 million people³) are most comfortable in Spanish and rely on it almost exclusively for their daily routines. A very large group, approximately 50 percent of the US Hispanic population, is bilingual with varying degrees of fluidity in one or both languages. Thus, regardless of an individual's family heritage or particular Hispanic identity, or even level of dominance of

the language, he/she will likely encounter on a regular basis the use of the Spanish language at home, work, and in various social settings.⁴

Even if acculturation is a trend that will not stop anytime soon, the continuous influx of new Spanish-speaking immigrants to the US makes Spanish-language media an urgent necessity. Frequently, the *only* means new immigrants have to learn how their new environment works is via Spanish-language media, especially radio. For example, agricultural migrant workers spend much of their time isolated in orchards or plantations; they only interact with other migrant workers, and they rarely master even basic English. Their socialization into “American ways” comes exclusively from a small battery radio they have in the field while planting and picking crops. A similar phenomenon occurs with the vast number of urban Hispanic Americans who are service workers in hotels, restaurants, construction, and maintenance industries. They, too, spend many hours listening to Spanish-language radio not only at home, but also at work.

For all these Latinos whose only or primary language is Spanish, crucial information about “how things work” in this country comes from Spanish-language radio stations. The information transmitted by way of Spanish-language radio is therefore a conveyor and creator of the Hispanic American cultural heritage, and an avenue for learning to adapt to Anglo-American culture as well.

Consequently, it should be obvious that Spanish-language broadcast media will continue to play central roles in the socialization process that contributes to the complexity of identity formation that typically emerges out of the confluence of national heritage and the two dominant languages of the Western Hemisphere. Allowing this all-important and unique source of information to be controlled by one entity is not in the public interest.

4. Among US Hispanic Americans, There Is Ample Use Of And Exposure To Spanish-Language Media, Especially Broadcast Media, In Ways That Transcend The “Format Choice.”⁵

a. News And Public Affairs Programming

Hispanic Americans, particularly the Spanish-dominant population, use Spanish-language media as integral to their everyday life. Moreover, use of and exposure to Spanish-language media extends beyond simply a “format choice.”

Time and again, the research indicates that a large number of Hispanic Americans regularly and loyally watch Spanish-language TV programs. The numbers are highest among the Spanish-dominant Latinos and of course lowest among Latinos who can only understand English and among those with limited access to the medium. Among this population group, limited income leads to lower exposure to cable television, as well as to print media and the Internet in comparison to non-Hispanic populations. These patterns are most notable among the audience for the news.

An important repeated research finding is that Hispanic Americans have a high demand for in-depth ethnic-relevant news. By this we mean news items and other cultural information that are pertinent to Hispanic Americans, and often to the broader Spanish-speaking world. These news items require more than coverage in the Spanish language. They require in-depth cultural background that provides a Latin American—rather than Anglo-American—expository point of view.

On the other hand, English-language news media normally do not offer programming with ethnic (i.e., Hispanic) perspectives. Even among the best of the local English-language news stations in Hispanic population centers, Hispanic American perspectives are conspicuously absent in the regular production of the local news. Lack of programming specifically relevant to Hispanic American perspectives is especially noteworthy when compared to the normal production of national and international news. The same can be said for public affairs and related informational programs.

Hispanic Americans seek content to affirm, retain, and amplify their grasp of their world. They cannot and do not simply want to get by with the veneer of an Anglo-American viewpoint on the Hispanic experience in the US or about Latin America. They want to nurture the cultural knowledge and values that developed over a lifetime via the Spanish language. They will not find this when they turn to an English-language TV channel. Spanish-speaking Latinos who seek Hispanic-relevant *and* acculturation-oriented news and information are also unlikely to find such content in general market English-language media. Only Spanish-language media provide this culturally-relevant information *on a regular* basis. These media are currently the exclusive sources of such information. For Latinos, it is not simply a format choice. It is also a language choice, a cultural content choice, and a cultural value choice. They prefer Hispanic-relevant news and public affairs content sources.

On Spanish-language radio, the news and public affairs programming is similarly important. The Hispanic-related socio-cultural, political, and economic perspective is an integral part of the offerings. In other words, the news and public affairs content of Spanish-language radio and television is not just a translation of some English-language content. It is produced with the Hispanic-American audience in mind. There are very few comparable Hispanic-relevant offerings in general market English-language stations or networks. So, again, for Latinos, exposure to and use of Spanish-language radio for news and public service information is hence not a format choice. No simple switch of a dial allows them to connect to Hispanic-relevant news and public affairs content on normal English-language, general market radio stations.

b. Entertainment Programming

Similar observations can be made pertaining to entertainment programming. Research shows that many Latinos are heavy users of English-language television for entertainment, a distinctive factor in this pattern that stems from the limited choice of certain genre of programming on the current Spanish-language television outlets. For example, original science-fiction programming (be it dubbed and with or without

Hispanic relevance) is practically absent from Spanish-language television. Occasionally, Hollywood movies are shown. The same applies to situation comedies with on-going, long-running story lines and characters. There are few original programs of this genre produced for or about US Latinos. Thus, English-speaking and some bilingual Hispanic Americans turn to the English-language stations when they are seeking such programming for escapism (which is different from searching for such programming for cultural relevance or socialization into the mainstream society norms for political and economic affairs).

Part of the exposure to English-language television reflects the lack of choice on Spanish-language TV, which in turns stems from the concentration of ownership and limited programming offered by the two networks, neither of which is currently meeting the demands of the diversity of Hispanic Americans. More competition, not less, would bring an increased variety of programming offerings across the various genres of this medium.

On Spanish-language radio, the existence of a variety of formats (e.g., ballads, rancheras, rock, romantic, salsa) is well documented. At least in major metropolitan areas, Hispanics seeking Spanish-language (or nowadays in some stations “Spanglish”) music and entertainment that is both culturally relevant and distinguished by music styles have more options to choose from. By and large, however, cultural relevance continues to be found most prominently and consistently in Spanish-language broadcast media, not in English-language media.

Moreover, even when the content on radio is primarily entertainment, the hosts of the Spanish-language radio programs typically convey local news, information and cultural values. This is especially the case if the hosts are local employees who strive to connect with their particular audience segments or niches. This content has a wide range of potential adaptation effects on the Hispanic American audiences.

Greater concentration of radio and TV media will not enhance, or even maintain, today's currently very modest levels of locally relevant content. On the contrary, it would be very damaging to the values of diversity and localism on which Hispanic Americans especially depend.

5. Loyalty.

Hispanic Americans exhibit strong consumer loyalty in purchase preferences. Once a product or service is selected, Hispanics tend to stick with it. This often includes loyalty to a TV station or radio station so that Univision or Telemundo loyalists adhere to the respective network's station in their community. Of course, switching may occur when the audience encounters re-runs of programs or particular content that is deemed socially or perhaps morally unacceptable; comparably it may be that an outstanding new program emerges on a competing station. Typically, however, once a new season emerges or the uniquely special (bad or good) program is over, the traditional station is returned to for the predominance of watching or listening time. Overall, for Spanish-dominant Hispanic

Americans, switching between Spanish-language stations is not as common practice as switching among English-language stations is for non-Hispanics. Format switching is more rare.

Once a pattern has been established, there is a tendency to stick to it. Although this is not exclusive among Hispanic Americans, product entrenchment is a reality in this population. A crucial implication of this pattern is that entry to the Latino market is much more difficult, not only for consumer products but also for new media outlets including broadcast media.

6. The Dominant Spanish-language Channels.

Univision stations and many HBC stations are currently the dominant outlets in most of their respective markets. A major factor of this dominance stems from the early entry that Univision and HBC stations had into each market and the concomitant limited availability of competing outlets. For example, Univision enjoys a number of “early mover” advantages including setting the dominant programming pattern whereby content produced by affiliated stations in the US and networks in other countries (principally Mexico and Venezuela) takes precedence over locally-produced material. In doing so, they have much too often closed opportunities for US-based, local production for Hispanic American artists. Likewise, Hispanic American artists who affirm pan-Hispanic or US-based heritage are repeatedly excluded from Univision, just as they are from general market mainstream media.

Due to their having established the norms, and captured the loyalty of the Hispanic audiences, Univision stations and HBC stations already hold the most privileged positions in their respective media markets. As such, they hold near monopoly authority in the gathering and dissemination of news and public affairs programming. The extent of concentration that would result from the merger of these two media giants has been stated elsewhere and need not be repeated here. This dominance significantly influences the construction of public opinion on a whole range of issues relevant to Hispanic Americans. The potential influence of these media is especially potent on those who are primarily Spanish-speakers and rely on such media outlets, due to their product loyalty or limited channel options.

It should be noted that these media, and practically all other Spanish-language television and radio stations and their corresponding ancillaries, have argued for several decades that Hispanic Americans, especially the Spanish-speakers, are distinct, special, or separate markets. The Spanish-language broadcasting community has repeatedly insisted that Hispanic Americans should not be considered part of the general audience or market when it comes to advertising practices and expenditures, and since this information has been fully stated in other documents submitted to the FCC,⁶ it will not be elaborated any further here.

7. There Is A Lack Of Research On The Consequences Of The Concentration Of Media Ownership Of The Spanish-Language Media Industries And Of Its Effects On Hispanic American Audiences.

New rules and regulations have just been enacted concerning mergers and other operational matters for the English-language general market media. However, for the distinct Spanish-language media and the diversity of Hispanic American voices on news and public affairs, the outcomes of such changes cannot be taken for granted. They will have different, potentially deleterious effects, in so far as these audiences are different. The consequences for these audiences of rule changes and mergers must be carefully studied and planned for. The limited information stemming from a small and not necessarily representative segment of the complex Hispanic American audience is only witnessed through Nielsen Media Research.

In recent weeks, citizens, community organizations, and politicians have been joining forces in opposition to continued mergers, and in favor of re-establishing anti-concentration regulations at least until the real and potential outcomes and consequences of the current mergers are better known.

In agreement with that opposition to the mergers and concentrations of general market media, and given the present lack of knowledge of the consequences of the current *modus operandi* in such media, it seems imperative to us that two lines of research be conducted. First, research should be commissioned to assess and better understand the implications of the ongoing media concentration in the general market. Second, research is even more indispensable to assess the consequences of the mergers in the Spanish-language media markets.

The stakes are high because Univision's acquisition of HBC would contribute to a concentration of voices of unprecedented proportions. Among the serious questions raised by Univision's proposed merger are:

- How will diverse and complex Hispanic American populations be served with fewer independent news and public affairs programming outlets?
- How will locally relevant and diverse programs in the Spanish language continue to serve Hispanic Americans seeking to learn, maintain, affirm, and develop cultural identities while participating in the mainstream economic, political, and socio-cultural affairs of the communities where they live?
- What options will the general public have if the dominant Spanish-language broadcast corporation (or its outlets) opts to dismiss and (hence silence) a person's or group's perspectives?
- What kinds of safeguards are needed and constitutionally permissible to prevent a dominant corporation from abusing its power to present its preferred images and symbolic representations at the expense of others?

- What are the safeguards that management operations will not become more centralized and that there will be fewer contact points between audiences and management?
- How will market forces operate when management cost-cutters eliminate so-called unprofitable formats, which will reduce diversity in news and entertainment programming?
- How will control of the dominant Spanish-language media in radio and television companies converge with the other media-related enterprises?
- What guarantees, if any, can be obtained so that the diverse and complex voices of Hispanic Americans will be heard and catered to in current and future broadcast media markets?

CONCLUSIONS

Access to a variety of information sources is a cornerstone of our political system. As Hispanic Americans emerge as increasingly influential political actors, ensuring as broad a spectrum as possible of information and political opinion becomes paramount. Any actions that threaten the diversity of information sources—as would be the case with the Univision-HBC merger—should be examined carefully before being undertaken.

This is the first major media merger decision following the adoption of the new media ownership rules. Yet Spanish-language broadcasting media ownership issues have not been studied in the deliberations about general market media, nor have they ever been studied. The FCC would be irresponsible to allow the Univision-HBC merger without assessing the questions we have noted. Since there are no studies on how the Hispanic American audiences are affected by mergers with this degree of concentration, it is impossible to conclude that the Univision-HBC merger would be in the public interest.

Hispanic Americans and the Spanish-language broadcast media in the United States should not be test market trials for the extension to minority language markets of the general market (majority language) rules adopted only last month.

The penetration rate of other media such as print and Internet is lower among Spanish-dominant populations than others, so the content of broadcast/cable has significant influence. In addition to the other factors we have noted, this shows why mergers of this type should be treated carefully.

Finally, the production of domestic Spanish-language programming and its export to other areas of the Spanish-speaking world is more likely to be engaged by market players who do not have significant international holdings and see the US as a lucrative aftermarket for content produced overseas (at lower cost).

The civic life of Hispanic Americans in the US will not be served better by a near monopoly media institution and industry.

We are especially wary of the actions of Univision, as the major player in television. It has demonstrated its multinational motivation, by importing the majority of its programming from Latin America as it closes opportunities for Hispanic American artists and other voices, which, in turn, affect the development and identities of audiences.

It is our position that the FCC should defer its approval of the Univision-HBC merger until at least sufficient time and effort is dedicated to:

1. research that offers empirically-based answers to the issues inherent in the production and consumption of broadcast programming by Hispanic Americans;
2. wide dissemination of the findings; and
3. hearing the public's views on these matters based on the findings.

Only then will there be an adequate understanding of the comprehensive rules that should be enacted for the operation and growth of all the media directed to Hispanic Americans. Only then will the Hispanic Americans and the American population as a whole be properly served.

The enhancement of democratic values can be served best when a multitude of ideas are given access to the marketplace. Unfortunately this marketplace has been shrinking since the end of the Second World War. The Hutchins Commission on Freedom of the Press warned America back in the early 1950s of the perils to democracy if such a trend was permitted to continue. To allow the merger between Univision and HBC, without first building research and assessing the consequences of the merger, could easily further reduce the marketplace of ideas.

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Endnotes

¹ This position paper was prepared upon the request of the Spanish Broadcasting System. It reflects the views and opinions of the communication scholars who signed this document and the views and opinions of others scholars who for personal reasons could not make their name public on this document at this time. For the signatories and other collaborators, the paper presents their opinions as communication scholars with expertise in matters pertaining to Latinos and the media. The paper does not necessarily represent the views of the institutions with which they are affiliated.

² The terms Hispanic American, Hispanic, and Latino are terms used—often times interchangeably—to refer to people whose heritage stems from Spanish-speaking countries in the Caribbean, the Gulf region, and South America. In this paper, the term Hispanic American is preferred to convey their being an integral part of the United States, regardless of their citizenship or legal status, as such status has limited bearing on language preferences or exposure to Spanish-language media.

³ This number is different than the typical population counts of Spanish-speakers stated by the Census Bureau and other researchers. Our number is higher because it assumes a large undercount of Hispanics as has been amply reported in the news media and admitted by the Census Bureau. Among this population group, the importance of Spanish-language radio is even greater given that the undercount is typically of undocumented migrants who are primarily or exclusively Spanish-language speakers.

⁴ The exception may apply to the smaller percentage of Hispanics who have been educated exclusively in English and live in settings quite isolated from Latino communities where Spanish is part of the daily fare. Yet even among many in this group, Spanish-language is recognized and even sought as a valuable tool for business, family, and even social exchanges. Hispanics who grew up speaking English often learn Spanish as adults in order to increase their effectiveness in business and public life. Thus, Spanish functions as a common denominator, if not in terms of daily speaking, which depends on an individual's skills, then certainly in attitudes that contribute to the Hispanic American identity and socio-cultural life.

⁵ Here we are referring when speaking of radio, to the selection between different types of content formats such as ballads, ranchera, romantic, or salsa music, or between these and talk/news content. With respect to television, it refers, for example, to the selection between commercial and public television offerings, or between sports and comedy content.

⁶ See letter and accompanying documents submitted by Willkie Farr & Gallagher on June 16, 2003.