



July 26, 2012

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Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket No. 09-182, 2010 Quadrennial Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; MB Docket No. 07-294, Promoting Diversification of Ownership in the Broadcasting Services; BO Docket No. 12-30, Literature Review of Research on Critical Information Needs and Market Entry

Dear Chairman and Commissioners:

On behalf of The Leadership Conference on Civil and Human Rights and the Leadership Conference's Media/Telecommunications Task Force, we are writing to express our strong support for the recent efforts of the Federal Communications Commission to improve its knowledge about the information needs of communities that currently lack critical data; to respond to the Commission's request for comments on the draft study;¹ and to underscore our earlier requests to the Commission to improve its data collection about broadcast ownership by women and people of color. The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. The Leadership Conference's Media/Telecommunications Task Force is committed to ensuring that access to advanced communications for underserved communities, and more diversity of owners and voices, are front and center in the policy debates over how our nation should govern communications.

The civil rights community has long regarded the expansion of minority and female ownership in media as an important goal, and has repeatedly urged the Commission to immediately take action to improve its data collection about the ownership of women and people of color. As highlighted in our March 5, 2012 letter, "it has been

¹ Public Notice, DA 12-935, Public Discussion of Literature Review of Research on Critical Information Needs and Market Entry Barriers, BO Docket No. 12-30 (June 13, 2012).

14 years since the FCC expanded its collection of ownership data on Form 323 to include race and gender, and the public has yet to see a complete and accurate collection and release of this data.”² The complete results of the 2009 data collection have not yet been released to the public, even though the 2011 data has already been submitted. Moreover, this failure to collect even the most basic data regarding ownership comes despite two directives from the U.S. Court of Appeals for the Third Circuit to acquire this data prior to relaxing any media ownership rules.³ We reiterate here our concern that the agency charged with pursuing the public interest in this regard is not able to collect the data necessary to make substantive policy with regard to media ownership structures.

Though not dispositive of this issue, we nonetheless commend the Commission for initiating a literature review and study of the provision of, and barriers to, critical information needs for all Americans in the contemporary media ecosystem.⁴ This literature review was a significant undertaking, drawing on a master list of more than 1000 potentially relevant sources and abstracts and producing an annotated bibliography of 450 scholarly articles on the topic. This effort is a tremendous first step toward achieving a greater understanding of the needs of underserved communities, and we are particularly pleased to see that the Commission is already pursuing follow-up work in this regard.⁵

We would like to highlight a number of the key findings from the study that are of particular importance to the communities The Leadership Conference represents:

- With respect to the key information needs that must be met in order for individuals to thrive, the study noted, “low-income, minority (defined broadly), the disabled, and non-English speaking or other at-risk communities especially continue to be disadvantaged in the meeting of community information needs....”⁶
- There is evidence of “fewer regional and local media, hyperlocal news websites, information blogs, and online sources of neighborhood news in low-income communities,” and “significant gaps, or even ‘news deserts’ in some low-income communities.”⁷
- Significant harm is attributable to those deficiencies: “Low-income and some minority and marginalized communities ... are likely to be systematically disadvantaged”⁸ and a community’s “*information status operat[es] as one of the most significant independent variables predicting economic growth.*”⁹

² The Leadership Conference Initial Comments, MB Docket No. 09-182 (filed March 5, 2012) at 4.

³ *Id.* at 3-4.

⁴ Friedland, *et al.*, Communication Policy Research Network, Prepublication Draft Review of the Literature Regarding Critical Information Needs of the American Public, Executive Summary (June 18, 2012).

⁵ Federal Communications Commission, Request for Information, FCCRFI120001 (June 21, 2012).

⁶ Friedland *et al.* at 6.

⁷ *Id.* at 6.

⁸ *Id.* at 5.

⁹ *Id.* at 7 (emphasis added).

- The consequences of these deficiencies are severe: “Exclusion from the networked benefits of participation in an information society are not simply additive, but they may be exponential, with long term consequences for minorities, non-English speakers, those with low-income, and the disabled.”
- Because information goods are public goods, carefully crafted public policy is particularly useful in addressing gaps.¹⁰
- There is a “*severe shortage of research* that directly addresses whether and how they are being met, particularly in the area of health information, local educational communication and local political coverage ... [which is] particularly true for minority communities, non-English speakers, the disabled, and those of lower-income[s].”¹¹

In light of these findings, we endorse the following recommendations that the Commission:

- Devote greater attention to barriers and opportunities for meeting information needs of underserved communities because barriers to participation in new media are significant even as underrepresentation of underserved communities in legacy media’s content and ownership stagnate or decline;
- Recognize that the costs of network exclusion are borne not only by the excluded, but also by the society at large; and
- Stop relying on terms such as “minorities,” which no longer adequately reflect the pluralistic demographic and socio-economic shifts in the United States, and should, at the very least, take into account variations within communities.¹²

In addition to endorsing these findings, we and the members of the Leadership Conference’s Media/Telecommunications Task Force offer the following comments and questions:

- What particular data sets are needed to further understand the gap in information needs for underserved communities? Do you have any recommendations on data the FCC should collect? What information is currently only available via proprietary sources?
- What are the parameters for a definition of a “critical” information need? Where does cultural and arts information fall in this rubric? Would consumer alerts be included?
- Can you respond to the comments raised during the Commission workshop by Professor Park of Howard University about the quality of participation via mobile devices, even as people of color are adopting mobile devices at a rate greater than whites?
- What data or techniques could be used to evaluate the quality of information a community receives? For example, Professor Park raised the question of the role that stereotyping plays in undermining the lack of trust by communities of color in mainstream media.

¹⁰ *Id.* at 5.

¹¹ *Id.* at 7 (emphasis in original).

¹² *Id.* at 12 (recommendations 1-3).



- What role does media concentration play in limiting communities' access to critical information?

We appreciate the ability to comment on the Commission's efforts to compile the data necessary to ensure that all communities are served by our information ecosystem, and hope the Commission will consider our recommendations regarding policies that will promote meaningful information equity and diverse media ownership in the U.S.

Please contact Leadership Conference Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, UCC Office of Communication, Inc., at 202-841-6033, Chris Calabrese, ACLU, at 202-715-0839, or Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to The Leadership Conference.

Sincerely,



Wade Henderson
President & CEO



Nancy Zinkin
Executive Vice President