



November 21, 2012

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

Re: MB Dkt. No. 09-182, 2010 Quadrennial Review; MB Dkt. No. 07-294,  
Promoting Diversification of Ownership in the Broadcasting Services

Dear Secretary Dortch:

On November 20, 2012 the individuals listed below, who represent members of The Leadership Conference on Civil and Human Rights Media and Telecommunications Task Force, met with Commissioner Rosenworcel and her advisor Alex Hoehn-Saric and also met with Commission Clyburn (by telephone) and her advisor Dave Grimaldi. Attending the meeting were: Nancy Zirkin (for Commissioner Rosenworcel only) and Corrine Yu, The Leadership Conference on Civil and Human Rights; Cheryl Leanza, United Church of Christ, OC Inc., Task Force Co-Chair; Madura Wijewardena, National Urban League; Jason Lagria, Asian American Justice Center; Eric Geist, Communications Workers of America; Mike Scurato, National Hispanic Media Coalition; Brandon Johns, NAACP; Todd O'Boyle, Common Cause; and Lisa Bennett, National Organization for Women. We met with each Commissioner to discuss the attached letter—filed earlier the same day—requesting the Commission seek public comment on the newly-released gender and race ownership data, reminding the Commission that it is required to look at the connection between media concentration and diverse ownership, and, that it bears the burden of proof to relax any of the media ownership rules.

Ms. Zirkin reminded the Commissioner of the strong and long-standing interest by the civil rights community and by Congress in enhancing media diversity. Ms. Yu and Mr. Wijewardena emphasized that the data released last week shows no meaningful improvement on ownership rates and would not justify relaxation of any of the ownership rules. The civil rights community would like an opportunity to demonstrate that lack of evidence justifying changes on the record.

The attendees at the meeting expressed their strong concern not only with the process, but with the idea that the Commission would relax any of the media ownership rules and retreat from the connection between barriers to media concentration and promotion of diverse ownership. Mr. Lagria explained that, particularly in the Asian American community and for linguistic minorities, the identity of a media owner is of critical importance in serving their communities. Ms. Zirkin and Mr. Scurato reminded the Commissioners that, going back to the Supreme Court's decision in *Metro Broadcasting*, the law has recognized a connection between the identity of a media owner and the compelling interest in promoting media diversity. The Commission should not reverse that finding. Ms. Leanza emphasized that the Commission should not undermine these conclusions because they would jeopardize



the Commission's ability to adopt race and gender conscious policies in the future. Moreover, she stressed the need to be cautious given the legal standards that apply to race-conscious rules are being considered this term by the Supreme Court and urged the Commission to coordinate closely with the Department of Justice and other knowledgeable experts in this regard.

Relating to some of the details of the Commission's draft order, Ms. Leanza reviewed the Third Circuit's interpretation of the quadrennial review provision in section 202(h) which retained an "ordinary" evidentiary standard under the Administrative Procedure Act—evidence is required to justify changing a rule, which is lacking in this record. Mr. Geist explained that the Commission should recognize shared services as attributable ownership interests because failure to do so would eliminate jobs and simultaneously harm a diversity of news sources.

We thanked the Commissioners for their close attention to this issue and offered our assistance with any questions they or their staff might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl A. Leanza".

Cheryl A. Leanza  
Policy Advisor, United Church of Christ, OC Inc.  
Co-Chair, The Leadership Conference on Civil and Human Rights,  
Media and Telecommunications Task Force