

Acting Chairwoman Jessica Rosenworcel
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Petition for Inquiry into History of Systemic Racism in FCC Policy and Licensing

Dear Chairwoman Rosenworcel:

Since the murder of George Floyd last year, a racial reckoning has taken place in our country that has forced public and private institutions – including the media – to acknowledge their histories of racism.

Black journalists have challenged several major media organizations to address the harms they have caused within their newsrooms and to communities of color. Both The Los Angeles Times and The Kansas City Star published apologies last year acknowledging their histories of racism, including anti-Black racism. And now many Black journalists are calling on other newsrooms to do the same.

But media institutions are not solely responsible for the systemic racism that exists in our media system. Federal policies and the choices made by lawmakers and regulators have also played a foundational role.

Reps. Jamaal Bowman, Yvette Clarke and Brenda Lawrence authored a letter to the Federal Communications Commission signed by 22 congressional colleagues that calls on the agency to conduct an equity audit to “address and redress the harm the agency’s policies and programs have caused Black and brown communities and identify the affirmative steps the agency commits to taking to break down barriers to just media and telecommunication practices.”

We join the congressional leaders in calling on the FCC to investigate its own history of anti-Black racism in the policies it has adopted. We also call on the Commission to identify reparative actions it will take to redress the structural racism that exists in our media system due to its policies.

We the undersigned groups urge the FCC to conduct this investigation in the spirit of President’s Joseph Biden’s executive order on racial equity that directs administrative agencies – and strongly encourages independent agencies – to examine how “entrenched disparities in our laws and public policies, and in our public and private institutions, have often denied that equal opportunity to individuals and communities.”

It’s time for the FCC to acknowledge that its policies and practices are a primary reason why deep structural inequities exist in the media and telecom industries that have harmed the Black community. We call on the agency to examine these policies and practices in an intersectional way that highlights the multiple axes of harm to Black women, Black LGBTQIA+ people, Black disabled people, Black Indigenous people, Black poor people and others held within the spectrum of Blackness.

As you know, our nation began regulating the commercial broadcast industry in 1927 with the creation of the Federal Radio Commission (FRC). This led to the founding of the Federal Communications Commission in 1934.

These agencies awarded the first commercial radio licenses for free to white owners during a time of segregation and racial terrorism. This allowed license holders like NBC and CBS to amass wealth through use of the public airwaves, and it positioned these companies to continue to prosper despite the media industry's evolution. But the story has been far different for the Black community.

Many of these initial broadcast licensees actively promoted hate and segregation over the public airwaves. For example, in 1927 the FRC awarded a broadcast license to an entity affiliated with the Ku Klux Klan. During the civil-rights movement, the White Citizens' Council distributed television and radio programming that defended segregation to stations across the country. In 1969, the Department of Justice's Community Relations Service stated that "few American institutions have so completely excluded minority group members from influence and control as have the news media. This failure is reflected by general insensitivity and indifference and is verified by ownership, management, and employment statistics."

FCC policies have built and sustained structural racism in our media system, including inequitable access to ownership opportunities for Black, Indigenous and Afro-Latinx communities. This dynamic has remained in place even as changes in technology have resulted in the emergence of new media systems such as television, cable and the internet.

The first Black-owned radio station didn't exist until the late 1940s – two decades after the establishment of the commercial radio industry. By 1969, Black people owned fewer than 12 radio outlets. And it wasn't until 1973 that the first Black-owned commercial television station emerged.

Meanwhile, this year marks the 25th anniversary of the 1996 Communications Act, which paved the way for FCC deregulation that permitted runaway media consolidation – making it even harder for the Black community to own broadcast outlets.

Due to FCC policies, from 1998–2007, there was a 70-percent drop in the number of full-power commercial TV stations that were Black-owned. This meant that Black people owned just 8 TV stations – 0.6 percent of all full-power stations. And by 2017, only 12 full-power TV stations – or less than 1 percent – were owned and controlled by Black owners.

Today, Black people own and control a minuscule number of broadcast and cable companies. Meanwhile, these industries have aggressively and successfully lobbied to retain and further consolidate their power, with no regard for the impacts on the Black community.

In January, the National Association of Broadcasters argued before the U.S. Supreme Court that the Commission should not have to consider the impact of its broadcast-ownership policies on women and people of color when considering changes to its ownership limits. The court upheld the Trump

FCC's decision to gut longstanding ownership limits, and this ruling will likely make it even harder for Black people and other communities of color to own broadcast stations.

In addition, FCC policy decisions — and inaction — in regards to its internet policies have resulted in a digital divide where Black, Latinx and Indigenous households are far less likely to have adequate home-broadband services than white ones. This means exacerbated harm for Black, Latinx and Indigenous families. As the pandemic has made plain — and as you have acknowledged on many occasions — this divide has dramatically worsened our nation's racial inequities and has had particularly cruel impacts on our children.

And as our nation finally grapples with the crushing impacts of online disinformation campaigns that have spread lies about the pandemic, elections and Black racial-justice leaders, it's important for the FCC to recognize that these efforts are nothing new — and are not unique to social media. FCC-regulated media companies have been among the chief architects of deadly narratives of Black inferiority and criminality. These narratives have been weaponized as part of political-disinformation efforts aimed at harming and disenfranchising the Black community.

A Color Of Change and Family Story study found that Black families represented 59 percent of stories about poverty in news and opinion outlets — even though they make up just 27 percent of poor families in the country. And across the nation, activists have fought against conservative talk-radio shows that use coded language to perpetuate racist narratives.

In Wisconsin, for instance, a coalition of community groups created the Radio-Active campaign in 2016 to monitor allegations of on-air bigotry from WISN Radio's Jay Weber, Mark Belling and Vicki McKenna and WTMJ Radio's Charlie Sykes and Jeff Wagner, who they allege "preyed on intense racial disparities of southeastern Wisconsin in terms of the economy and the criminal justice system." Citizen Action of Wisconsin Executive Director Robert Kraig describes this dynamic: "If you talk about poor people who are dependent on government, conservative white voters understand that to mean African-American people."

During the civil-rights movement, Southern broadcast stations used the public airwaves to oppose integration. And powerful radio and cable outlets today portray the Black community as a threat to society, justifying the historical and ongoing police brutality and state violence that led to the 2020 global uprising for Black lives.

There is so much we still do not know when it comes to how the FCC has either condoned or been indifferent to anti-Black racism in the industries it regulates even as it's adopted policies that have excluded Black people from ownership opportunities.

This is why we are calling on the FCC to investigate and fully account for the racist impact its media and telecom policies have had on all Black people across gender, sexuality, disability, class, tribal affiliation and ethnicity. We are urging the agency to examine the roots of its failure to create a racially just media system. We believe that anti-Black media policies have resulted in the

marginalization of Black voices and narratives, the perpetuation of the myth of Black inferiority, and the exclusion of and harm toward other communities of color.

We believe that, in the words of Black Lives Matter co-founder Alicia Garza, “When Black people get free, everybody gets free.” We look forward to working in coalition with groups across a variety of identities to ensure we collectively build the media system we know is possible. Now is the time to deeply examine the agency’s history of anti-Black harm, and begin to chart a path forward toward a future abundant with repair.

Respectfully Submitted,

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Common Cause
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Demand Progress Education Fund
DemCast USA
DeWitt Wallace Center for Media & Democracy, Duke University
DosPuntos independent radio program
Educate To Engage LLC
FAIR
Fight for the Future
Fix Democracy First
Free Press
Future of Music Coalition
Germantown Info Hub

GLAAD
Global Project Against Hate and Extremism
Globalvision
Greenpeace US
Hawaii Arts Alliance
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Instituto de Educacion Popular del Sur de California (IDEPSCA)
Kairos Action
League of United Latin American Citizens (LULAC)
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Movement Alliance Project
National Association of Hispanic Journalists (NAHJ)
National Digital Inclusion Alliance
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Open MIC (Open Media and Information Companies Initiative)
Open Technology Institute
OVEC-Ohio Valley Environmental Coalition
People's Paper Co-op
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PhillyCAM
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