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ATTORNEY GENERAL RAOUL ENCOURAGES DIVERSITY AND LOCAL OWNERSHIP IN BROADCAST MEDIA

Raoul, Coalition Argue Before Supreme Court That a Diverse and Local Media Benefits Communities, Democracy

Chicago — Attorney General Kwame Raoul today joined a coalition of 23 attorneys general in voicing concern with the Federal Communications Commission’s (FCC) repeal of rules designed to promote diversity and local ownership in broadcast media.

[In an amicus brief](#) filed in *FCC v. Prometheus Radio Project* before the U.S. Supreme Court, Raoul and the attorneys general argue that the FCC’s new rules will not only decrease representation of minority communities in local media, but will also lead to greater media consolidation, which threatens the coverage of local news. Further, they assert that the U.S. Court of Appeals for the Third Circuit — which previously heard this case — correctly concluded that the FCC neglected to consider how repealing these rules would impact diversity in media ownership. Raoul and the coalition are asking the Supreme Court to affirm the 3rd Circuit’s holding that the FCC’s pre-existing broadcast ownership rules are in the public interest, and that the agency’s changes to those rules are arbitrary and capricious.

“Local media ownership is vital to informing the public about events happening in their schools, communities and government,” Raoul said. “I support the court’s decision, which requires the FCC to take into account minority and local ownership in broadcast media, and I urge the Supreme Court to affirm that decision.”

The FCC regulates the ownership of broadcast media and has long used its regulatory authority to promote diversity in ownership while limiting common ownership of multiple outlets within a single market. The first goal is advanced in part through ownership rules that give certain preferences to “eligible entities,” which are meant to encourage ownership by women and people of color. Under the Telecommunications Act of 1996, the FCC must review its rules every four years to determine whether there is enough competition among media outlets to preserve the public interest without the need for federal regulation. Since 2002, the FCC’s performance of its duties under that Act has come before the courts four times.

FCC v. Prometheus represents the fourth instance. The case focuses on several recent actions taken by the FCC scaling back many of the rules regulating broadcast ownership. Last year, the Third Circuit heard the case, eventually vacating the FCC’s actions because the Commission did not adequately consider the effects its new rules would have on ownership of broadcast media by women and racial minorities. The FCC sought review in the Supreme Court, arguing that it took these impacts into account. Further, a group of media conglomerates have claimed that the FCC should not design regulations to accommodate racial or gender diversity.

In this amicus brief, the states argue that the FCC’s move was arbitrary and capricious and, specifically, that the conglomerates’ interpretation of the Telecommunications Act of 1996 is wrong. Raoul and the coalition collectively support the effort to protect diversity in broadcast media because:

- **Diversity in media ownership is critical to broader society:** Minority and women-owned broadcast media companies offer several advantages to the public. They are more likely to provide a wider range of viewpoints across their programming and hire minority employees. This is vital to ensuring coverage of news relevant to minority communities. These companies are also more likely

to offer multilingual communications. Finally, promoting minority ownership can prevent the broadcast media industry from becoming overly concentrated, helping all residents maintain access to credible local news sources.

- **The FCC must remain committed to keeping local news local:** The unmistakable trend of concentration in the media industry has coincided with a decline in minority ownership of broadcast media and in the offerings of local news coverage. Should the Court adopt the industry petitioners' reading of the Telecommunications Act, the states argue that it would strip the FCC's ability to establish regulations that preserve local ownership—leaving residents at risk of losing reliable local news sources. The states further assert that local news fosters community cohesion; stimulates civic engagement and voter turnout; checks government officials by ferreting out greed, corruption, and waste; and provides channels of communication during natural disasters and pandemics.

Joining Raoul in filing the brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.