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AAJC

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September 29, 2022

Jessica Rosenworcel  
Chair  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

Re: MB Docket No. 19-177; MB Docket No. 98-204

Dear Chair Rosenworcel:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil rights of all persons in the United States, and its Media/Telecommunications Task Force, we write to support the supplemental comments of the civil rights and labor advocates in the above referenced proceedings.<sup>1</sup>

The Leadership Conference's recent report, "Information Nation: The Need for Improved Federal Civil Rights Data Collection," highlights the importance of data collection in tackling the problems created by structural racism, inequality, and other injustices.<sup>2</sup> Without complete, accurate, and disaggregated data, it is impossible to develop a full understanding of how the communities we represent are faring.<sup>3</sup> As the report concludes, while better data collection will not solve the challenges created by systemic racism and historic levels of inequality, it is a necessary first step.<sup>4</sup>

The comments in the docket, including those previously filed by The Leadership Conference, reflect widespread consensus within the civil and human rights community that the Federal Communications Commission (FCC) must once again be a leader in equitable

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<sup>1</sup> See Comments of Asian Americans Advancing Justice - AAJC, Black Women's Roundtable, Common Cause, Communications Workers of America, Hispanic Federation, National Coalition on Black Civic Participation, National Urban League, Service Employees International Union, Strategic Organizing Center, United Church of Christ Media Justice Ministry, and Multicultural Media, Telecom and Internet Council, Review of EEO Compliance and Enforcement in Broadcast and Multichannel Video Programming Industries, MB Docket 19-177; Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, MB Docket 98-204 (Aug. 10, 2022) ("Civil Rights and Labor Advocates Comments").

<sup>2</sup> The Leadership Conference on Civil and Human Rights, Information Nation: The Need for Improved Federal Civil Rights Data Collection at 5 (Apr. 2022), <https://civilrights.org/resource/information-nation-the-need-for-improved-federal-civil-rights-data-collection/> ("Information Nation").

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 34.

employment obligations.<sup>5</sup> This begins with collecting and publishing EEO-1 data by broadcasters, cable operators, and other multichannel video programming distributors and ensuring these data are made public via an easy-to-use portal that can also be used to aggregate data on state-by-state and regional bases and according to other factors, such as various demographic categories.<sup>6</sup>

Collecting these data would be consistent with both the FCC's Equity Action Plan and the core goals of the Biden/Harris Equity Agenda.<sup>7</sup> It would also be consistent with the practices of other agencies within the federal government and with recent developments in the private sector. Investors have been calling on the Securities and Exchange Commission to mandate disclosure of EEO-1 data,<sup>8</sup> and many private sector employers recognize the need to collect demographic data on their workforce in order to make progress toward equitable employment goals.<sup>9</sup>

Today, we face a historically low amount of demographic data available on the news profession, and even surveys that are able to gather a stronger sample are unable to paint a full picture of the state of newsroom diversity.<sup>10</sup> While broadband providers have in some cases been supportive of greater transparency for EEO-1 data<sup>11</sup> and the industry has produced some reports on itself,<sup>12</sup> the responsibility to ensure the industry, public, and federal government have a complete understanding of diversity in the communications industry falls on the FCC.

Mandatory data collection would benefit the government, industry, and civil society. The FCC can use EEO-1 data to advance the commission's Equity Action Plan,<sup>13</sup> and these data would allow the news and communications industry to better understand and target their diversity and inclusion efforts and also allow the public to hold these companies accountable.

Thank you for your consideration of our views. We look forward to working with you on this issue and others of importance to our country. If you have any questions about the issues raised in this letter, please

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<sup>5</sup> The Federal Communications Commission initially adopted EEO rules in 1969, partially in response to the Kerner Commission's report and a 1967 petition by the United Church of Christ. U.S. Commission on Civil Rights, *Window Dressing on the Set: Women and Minorities in Television* at 74-75 (August 1977), available at <https://www2.law.umaryland.edu/marshall/usccr/documents/cr12t23.pdf>.

<sup>6</sup> Civil Rights and Labor Advocates Comments at 2.

<sup>7</sup> Federal Communications Commission, Equity Action Plan, <https://docs.fcc.gov/public/attachments/DOC-382389A1.docx>; Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>8</sup> E.g., Letter from Investors to SEC Chair Gensler (Nov. 18, 2021), [https://www.bostontrustwalden.com/wp-content/uploads/2021/11/Investor-Signatory-Letter-to-the-SEC-Requesting-Mandatory-EEO-1-Disclosure\\_Nov-2021.pdf](https://www.bostontrustwalden.com/wp-content/uploads/2021/11/Investor-Signatory-Letter-to-the-SEC-Requesting-Mandatory-EEO-1-Disclosure_Nov-2021.pdf).

<sup>9</sup> Lauren Romansky, Mia Garrod, Katie Brown, and Kartik Deo, "How to Measure Inclusion in the Workplace," *Harvard Business Review*, May 27, 2021, <https://hbr.org/2021/05/how-to-measure-inclusion-in-the-workplace>.

<sup>10</sup> Civil Rights and Labor Advocates Comments at 15-16.

<sup>11</sup> Notably, AT&T, Comcast, Verizon, and Lumen all voluntarily release their EEO-1 forms.

<sup>12</sup> Civil Rights and Labor Advocates Comments at 15-16.

<sup>13</sup> Federal Communications Commission, Equity Action Plan, <https://docs.fcc.gov/public/attachments/DOC-382389A1.docx>.



contact Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ Media Justice Ministry, at [cleanza@alhmail.com](mailto:cleanza@alhmail.com); Yosef Getachew, Media & Democracy program director, Common Cause, at [ygetachew@commoncause.org](mailto:ygetachew@commoncause.org); or Anita Banerji, senior program director, Media and Tech, The Leadership Conference, at [banerji@civilrights.org](mailto:banerji@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
American Civil Liberties Union  
Asian Americans Advancing Justice - AAJC  
Black Women's Roundtable  
Common Cause  
Communications Workers of America  
JACL  
Muslim Advocates  
National Coalition on Black Civic Participation  
National Consumer Law Center  
National Council of Asian Pacific Americans (NCAPA)  
National Education Association (NEA)  
National Employment Law Project  
National Fair Housing Alliance  
National Urban League  
SEIU  
Sikh American Legal Defense and Education Fund (SALDEF)  
Strategic Organizing Center