

United States Commission on Civil Rights

BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY IN TELEVISION NETWORK NEWS

July 1, 1994

A transcript of the complete discussion, with minor edits for clarity, between Commissioners and panel members selected to present a briefing on important civil rights issues affecting the Nation today. Statements and viewpoints in this report should not be attributed to the Commission, but only to the participants or documents cited.

U.S. COMMISSION ON CIVIL RIGHTS

BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY IN TELEVISION NETWORK NEWS

EXECUTIVE SUMMARY

On July 1, 1994, the United States Commission on Civil Rights conducted another in a series of briefings on important civil rights issues affecting the Nation. The subject of this briefing was equal employment opportunity in television network news, including the affiliates.

The briefing was an outgrowth of the Commission's June 1993 factfinding hearing held in Los Angeles, which, as part of a broad investigation of growing racial and ethnic tensions, examined local news media coverage of the events surrounding the April 1992 riots. One focus of this inquiry was the relationship of employment practices at the Los Angeles affiliates of the networks to their coverage of the minority communities in Los Angeles. The Commission's followup briefing sought a national perspective on the operations of television network news.

The first presentation was made by Dorothy Gilliam, a columnist for *The Washington Post* and president of the National Association of Black Journalists (NABJ). She has been chair of the board of directors of the Institute for Journalism Education, and is associate editor for *Jet* magazine. Ms. Gilliam said:

Twenty-seven years ago, the Kerner Commission on Civil Disorders issued a scathing report on the media charging that it aided and abetted racial divisions in this country by how the news was covered, and also because of the underrepresentation of minorities in newsrooms and broadcast studios. If another Kerner Commission report was issued today, it would once again find African Americans, Asian Americans, Native Americans, and Hispanic journalists woefully, even in some cases pitifully, underrepresented in the universe of print and broadcast journalism.

According to Ms. Gilliam, in the 1960s, minorities were 1 percent of those in broadcast. In

1972 journalists of color in television news were 13 percent versus 10 percent for women. Between 1972 and 1980, women increased their numbers to 26 percent of the work force and as of 1992 were 30.1 percent. However, the representation of minorities grew only marginally during this period. In 1979 they were 15 percent but declined to the 1972 level of 13 percent in 1987. As of 1992 minorities were 18 percent of the work force.

The progress for women has been at the expense of minority men, Ms. Gilliam said. In 1972 most of the minorities in news broadcasting were men, but by 1992 they were less than half. She said even more important was the very low representation of African Americans in management positions. According to the Federal Communications Commission (FCC), in 1992 only 5.9 percent of management positions were held by African Americans, while white women were 27.8 percent. The situation was even worse in the feeder group for management positions, which were sales positions. In 1992 black males were 3.1 percent and black women were 2.8 percent. According to the FCC, white women were 44.7 percent.

Because television exerts a powerful influence on people's perceptions, Ms. Gilliam said, this "lack of black progress has a serious negative effect on the American society as a whole Most white Americans learn about black Americans from the media, and the perceptions they bring from television become their reality." These perceptions affect people's interpersonal behaviors.

She questioned how many blacks were in decisionmaking positions, i.e., vice presidents of news, executive producers of evening news shows, or prime time newsmagazine shows. Ms. Gilliam asked: "How often do you see a black guest on the major Sunday morning talk shows or weeknight talk shows other than if the issue is riots, sports, crime, or welfare?" This situation, she said, "sends the perception that blacks are experts only on subjects that are perceived to affect blacks more than any other group." She said it is crucial that blacks be placed in decisionmaking positions in television "to shape opinion, ideas, and minimize stereotype."

In response to questions, Ms. Gilliam cited the NABJ survey, *Fear and Frustration in the Newsroom*, which found that black journalists did not feel there was a serious commitment to diversity in broadcast studios and in the newsrooms. In sharp contrast, the white managers said "they were very committed to diversity." Blacks believed they stayed longer in lower level jobs and were required to take more training to advance than their white counterparts. One major concern for the blacks was the lack of role models and mentors. Many white managers did not see that as a problem. She said it was a question of unequal treatment, especially in the area of training.

The next panel members included executives of the three television networks, who discussed their organizations' efforts at increasing diversity for on-air talent and in the management ranks. Cheryl Gould, a vice president of NBC News, assists in the overall management of the NBC News Division and all of its programs and policies. Linda Mason, a vice president for public affairs for CBS News, serves as executive producer for "CBS Reports" and oversees "Eye to Eye with Connie Chung" and maintains and updates the book of standards and ethics for CBS employees. Richard Wald is a senior vice president for editorial quality for ABC News. Each said their organization has had a long-standing commitment to equal employment opportunity, not only because it is the right thing to do, but because it makes good business sense.

While noting there is room for continuing improvement, Ms. Gould said there has been substantial progress at NBC News in promoting diversity in the work force. She described some of the programs that have been undertaken to promote diversity. NBC News established a task force on women and minorities that produced a videotape with a roundtable discussion on diversity in broadcast journalism and day-to-day working relationships. The tape was required viewing at all stations and affiliates. All employees must also attend diversity training workshops. The goal of the program is "for employees to understand the meaning of diversity and how and why it's a business issue for NBC, to understand stereotypes and how they affect our work relationships, to develop the awareness of the impact of diversity and how it affects us." After this first phase, the diversity training program will develop mentoring programs, as well as training in conflict resolution, coaching, and counseling.

Ms. Gould explained there has been a significant effort to recruit minorities and women for positions in the pipeline that lead to management positions. There has been a similar effort in filling on-air positions. About 20 percent of the positions in both groups are now held by minorities. She noted that among bureau chiefs, who run the news gathering operations, one-third are minority. NBC News has also established a diversity advisory council, whose mission is to make NBC News more of a reflection of the Nation's population through recruitment and promotion and by promoting an environment of awareness.

Ms. Mason described similar efforts by CBS News to increase the representation of minorities and women in the work force. At weekly "head count" meetings, the vice presidents meet with the president of CBS News to decide whether a position should be filled. Each is asked if there are any qualified minorities on the list. Consciousness of diversity is thus raised. She described specific instances of progress in filling key management and on-air positions with women and minorities.

Ms. Mason said work force diversity makes for a better broadcast product because the network's news division is able to "better understand and explain the diversity of an increasingly complex world." For example, at the suggestion of a black producer, CBS News did a story on how black middle class people who shop in upscale stores are treated differently by salespeople. In addition, CBS has greatly expanded its minority expert consultants in such areas as politics, medicine, economics, law, and foreign affairs. CBS News is working toward a "color blind approach to experts" in their news reports, she said.

Like his counterparts, Mr. Wald stated ABC News supports diversity in the workplace because it is the right and "pragmatic" thing to do. It is seeking a diverse audience, so news stories need to reflect the diversity of the population. Moreover, ABC News has developed a number of programs that have dealt with diversity because of the strong influence of women and minorities in the editorial process, he said.

Recruitment of minorities has been more difficult than ABC News had anticipated, Mr. Wald said, in part because the pool of college-educated minorities is not very large. Further, the policy at ABC News has been to promote from within. The network has two senior people who are charged with recruiting and developing minorities. To promote

good will toward their organization and identify future candidates, they participate in seminars conducted by minority journalism groups. They also distribute job announcements to minority groups. ABC News also has a correspondent development program where it rotates candidates and give them experience and exposure to the producers of the more important news stories. Like the other networks, ABC News has made, in his opinion, significant progress in its representation of women and minorities.

The next panel was composed of three members. Representing the Federal sector, was Roderick K. Porter, Deputy Chief of Operations at the Federal Communications Commission (FCC) and vice chair of the Communications Section of the Federal Bar Association; and representing advocacy groups were David Honig, executive director of the Minority Media and Telecommunications Council, and Robert Lichter, co-director of the Center for Media and Public Affairs.

As a leader in molding public opinion, Mr. Honig said it was particularly important that the broadcast industry eliminate discriminatory employment practices. Until very recently, he said, most civil rights groups viewed the FCC's civil rights enforcement efforts as being "relatively weak," and focused almost exclusively on recruitment and hiring, even though its EEO rule covered other areas, such as promotion, retention, working conditions, compensation, and termination. He suggested that this limited focus resulted from pressure from a number of broadcasters.

The networks have taken the lead in diversifying their work forces. Among station groups, however, progress has been uneven. Some of the station groups are much more aggressive in pursuing equal employment opportunity than others, he said.

Mr. Honig called on the FCC to provide stronger leadership in promoting equal employment opportunity. He said there had been no attempt by the FCC to link network EEO performance to that of their owned and operated stations when they come up for license renewal.

Government is not solely responsible for improvement, Mr. Honig said. He cited the case of women in broadcasting. Twenty years ago, he said, very few women were taking journalism or communications in college. That has changed dramatically in the last 10 years, in his opinion, because it is now socially acceptable for women to enter that occupation.

Mr. Porter described the FCC's rules on equal employment opportunity that apply to the broadcast industry. The first prohibits actual discrimination. The other part of the rule requires licensees "to engage in a continuing program of EEO in its hiring, promotion," and other employment practices. Each is required to file an annual report with the FCC, which profiles the station's full-time work force.

Television stations are granted renewals by the FCC for 5 years. Approximately 95 percent are renewed unconditionally. In the remaining cases, where the FCC finds deficiencies in the station's employment practices, the FCC can impose one of several sanctions. Most often, stations are required to submit annual reports for a period of 3 years that provide information for each job vacancy, such as how many applicants and interviewees were women and minorities. The FCC can also impose monetary forfeitures up to a maximum of \$250,000 or grant only short-term renewals. In the most extreme cases, after a hearing before an administrative law judge, the FCC can revoke a station's license; however, this "ultimate sanction is rarely imposed," Mr. Porter said. Only 3 percent of the stations have received renewals with reporting requirements, and 2 percent received either monetary forfeitures and/or short-term renewals.

In addition to reviewing the work force profile in the annual reports, in 1987, the FCC began applying an "efforts test." For each vacancy at a station, it began looking at how many women and minorities were in the applicant and interview pools. If those numbers are low, FCC looks at the station's recruitment sources. The Commission's oversight was further extended by a congressional mandate that requires a midterm review of the EEO profile, instead of just at renewal time.

In reviewing minority representation, Mr. Porter said they look at not only the dominant minority in the labor force but also the other significant minority groups. He said that in New York City or Los Angeles, for example, this would probably include blacks, Hispanics, and Asians. He indicated that a station that ignores a significant minority "cannot expect to get an unconditional renewal."

The FCC, as part of a more proactive approach to equal employment opportunity in the broadcast industry, is participating in industry-sponsored seminars across the country to encourage diversity. Mr. Porter has noted a new aggressive posture on the part of many in the industry to obtain women and minority applicants.

Dr. Lichter said his organization concentrates on program content and what or who is really on television. With respect to diversity in news broadcasts, they look at how many women and minorities actually appear on television. He said there has been progress in minority representation, but it has been considerably less than the previous network representatives would lead one to believe. Of the top network 50 reporters in 1993, based on the number of stories reported, 2 were black, 1 was Hispanic, and the rest were white.*

In terms of outcomes, Dr. Lichter found quite different results in minority representation in on-air reporters among the three networks. He said that over the past few years "CBS had by far the most minority representation in terms of actual stories reported and NBC the lowest." NBC has had 2 to 5 percent representation in reports while CBS was 28 percent in 1993, which doubles the percentage 2 years earlier.

There was a discussion between some of the Commissioners and Mr. Porter on the extent to which religion was covered under the FCC's rules on EEO. He said religion is not one of the categories that stations are required to report. Further, there is only limited coverage in terms of discrimination allegations. He cited as an example that at a station which is devoted to religious programs, the FCC recognizes that there is a legitimate nexus in hiring a person of a particular religious affiliation for the position of program director, but there is no similar nexus to the position of business manager. In response to a question, Mr. Porter said very few complaints based on religion have been received at the Commission.

The final panel also had three members: two representing minority journalist associations and the third person representing electronic journalists. The members were: Zita Arocha, executive director of the National Association of Hispanic Journalists; David Bartlett, president and chief operating officer of Radio-Television News Directors Association; and Dinah Eng, who is the first nationally syndicated Asian American journalist and serves on the national board of the Asian American Journalists Association.

* The chart also showed 12 of the top 50 reporters were women, including the number one on-air reporter.

Ms. Arocha said there is a serious need for diversity in the broadcast industry, and she cited, as an example, the very distorted and one dimensional reporting of the Los Angeles riots in 1992. Based on the pictures broadcast, it seemed that only black men and women were looting. However, that area of east Los Angeles is a racially and ethnically diverse low-income neighborhood of African Americans and Hispanic and Asian immigrants. The news did not report the fact that Hispanics had also participated in the looting and destruction. Furthermore, there was no attempt to report on what caused the riots. In her opinion, this was due in part to the lack of Hispanic and Asian American reporters and news directors, especially at the networks. She cited, as evidence of this underrepresentation, some statistics for Hispanics in television news. In 1992, 6 percent of the television news work force was Hispanic. In 1981 there were 4 Hispanic news directors and in 1992 there were 31. However, she noted, many of the gains were among independent television stations, especially Spanish-language stations, rather than network affiliates.

For the television news to reflect the diversity of society, Ms. Arocha said, those who collect and report it must be diverse. She said that, because the number of Latinos reporting on network news and their affiliates is lower than their numbers in the overall population, her organization is doing a survey to determine the true representation of Latinos in the more influential media markets. This employment survey will cover the networks and the top 25 television markets, distinguishing between English-language and Spanish-language stations. She said the purpose is to keep television executives focused on the numerical representation of Latinos. She said it is to the benefit of the networks to have a diverse work force if they want to be competitive in a climate of global and technological competition.

Mr. Bartlett said his organization represents electronic journalism, which includes radio, television, broadcasting, cable, commercial and noncommercial outlets, local stations, and the networks. The membership includes executives, producers, reporters, and writers. The educational affiliate, the Radio-Television News Directors Foundation (RTNDF), has funded research on employment of women and minorities at the local level. It does not track the networks, but he agreed with some of the earlier panelists that diversity was probably better at the networks than at the local level.

The RTNDF's latest survey on employment of women and minorities, which was not yet officially released, showed that in 1993 overall minority representation in professional positions in local television was 19 percent. In 1972, the first year of their survey, it was 12 percent. Women represented one-third of the employment in television. In management positions, only about 9 percent of the news directors in television are filled by minorities. Sixteen percent of the news directors are women. Mr. Bartlett said that, in the case of women, the statistics are somewhat misleading because many are news directors in a one-person operation.

In electronic journalism, Mr. Bartlett said, there are two major career tracks: management or on-air positions. Stations that have recruited minorities and women have encouraged them to follow the on-air track because of the visibility. These positions also pay much more than those in the management track, even at the higher levels.

Since management makes the hiring decisions, the foundation decided to focus on recruiting minorities into the management pipeline. (Mr. Bartlett said there was not as much underrepresentation of women in the management pipeline.) To redress the imbalance for minorities, the foundation has utilized such approaches as management training seminars, internship programs, scholarships, and fellowships.

Mr. Bartlett said that it has been his observation that if there is a commitment to diversity at the top of the organization, then there will be a good representation of women and minorities. As an example of this kind of commitment, he cited two companies that give bonuses to managers who succeed in hiring a diverse work force. In response to a question, Mr. Bartlett said that many entrenched television news organizations also did not like to take a risk when it came to diversifying their work forces. Many had found that a formula of a black and white anchor team worked and were reluctant change it by hiring an Hispanic or Asian. He said it was also easier to develop a diverse work force in a new station than an older one where, of necessity, change must evolve more slowly over time. He cited local Channel 8, which is new compared to the other stations in Washington, D.C., and because it was able to start with a clean slate, it has a good representation of women and minorities throughout the organization.

Ms. Eng, the final panel member, said Asian Americans, especially males, continue to face

exclusion in the broadcast industry. She cited two cases where experienced Asian males were passed over for anchor positions. In one case, the person filled in as anchor for 6 months and was told he was doing a good job, but they selected a white male. In the other case, the Asian reporter was not even given a tryout and was told he was "too valuable in the field." She also cited a survey that showed that of approximately 24,500 employees in broadcast television, only 220 were Asian men and 270 were Asian women.

Ms. Eng said there were similar problems of underrepresentation in management positions for Asians. Citing statistics, she said of 740 news directors nationwide, there are only 6 Asian men and 2 Asian women.

This small representation of Asians in broadcasting has, in her opinion, led to distorted news about the Asian American community. She cited a failure to report hate crimes against Asians and the distorted reporting on the Los Angeles riots, which initially ignored the problems the Asians were facing there. She closed by saying there is a problem for Asians in television and it needs to be investigated.

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Chairperson Berry. On behalf of the Commissioners, I want to welcome everyone to this briefing on equal employment opportunity and diversity in the newsrooms of television networks. This briefing is an outgrowth of the Commission's factfinding hearing which was held in Los Angeles a little over a year ago, one in a series of hearings we're conducting as part of a multiyear study into the resurgence of racial and ethnic tensions in the Nation.

Television news coverage can influence the intensity, direction, and duration of racial tensions. At least, this was one of the central findings of the 1968 Kerner Commission report. Based on that finding and on considerable research supporting it since then, the Commission has held several news media panels. We did this during the Los Angeles hearing.

Today, we want to bring a national perspective on these and related issues. We have had some information. Periodically, there are reports in the news about this issue. There was a Rainbow Coalition report about the hiring and promotion at NBC headquarters which was sent to us. But, in general, Commissioners want to learn more about progress that each of the major networks is making in diversifying its newsrooms.

We'll also be paying some attention in this morning's discussion to how minority employment and minority ownership concerns are being addressed at the network affiliates and independent stations.

What I would like to do first, even though we have representatives of the networks here and the intention was to begin with them, I would like, first of all, to begin with Dorothy Butler Gilliam, who is a columnist for the *Washington Post*, only because she has a conflict which couldn't be resolved and is going to have to leave.

She is here today as president of the National Association of Black Journalists [NABJ]. She's been chair of the board of directors of the Institute for

Journalism Education, and is associate editor for *Jet* magazine.

So, if we could please hear your statement, Ms. Gilliam, I would appreciate it.

Ms. Gilliam. Thank you very much, Commissioner. I'm very pleased to be here to testify on behalf of the National Association of Black Journalists.

Twenty-seven years ago, the Kerner Commission on Civil Disorders issued a scathing report on the media charging that it aided and abetted racial divisions in this country by how the news was covered, and also because of the underrepresentation of minorities in newsrooms and broadcast studios. If another Kerner Commission report was issued today, it would once again find African Americans, Asian Americans, Native Americans, and Hispanic journalists woefully, even in some cases pitifully, underrepresented in the universe of print and broadcast journalism.

In the 1960s, minorities were 1 percent of those in broadcast. The civil rights movement of the 1960s, the Federal Communications Commission [FCC] rule of 1969, and the pioneering work of journalists of color in the early seventies increased those numbers.

In 1972, journalists of color in broadcast news were ahead of women in television news, 13 percent to 10 percent. But, as Vernon Stone, the University of Missouri professor who does the annual tally with the support of the Radio-Television News Directors Association, put it: "The rest of the decade belonged to women."

Between 1972 and 1980, women increased their numbers to 26 percent of the work force. They have continued to progress until in 1992 white women were 30.1 percent of the work force while minorities, barely holding their own, went from 13 percent in 1972 to 15 percent in 1979, back down to 13 percent in 1987, to 18 percent in 1992.

Unfortunately, the progress for women has been accompanied by an extremely disturbing trend. The ground that is being lost is being lost by minority men—men were most of the minorities in 1972. By 1992 they were less than half.

Since you'll be hearing from representatives of the other journalism associations of color later today, I want to focus my remarks on African Americans in broadcasting, and I want to look in particular at the lack of black decisionmakers.

Now, according to the FCC, 5.9 percent of management jobs were held by African Americans in 1992. By contrast, white women, the other protected group in addition to people of color, were represented in the ranks of officers and managers at 27.8 percent in 1992.

I want to stress that the purpose of my report is not to criticize the progress of white women—this is important to this Nation—but it is to bemoan the lack of progress of blacks. Moreover, the minority representation in the ranks of sales employees, the ranks from which broadcast managers are likely to come, is low.

In 1992 black males were 3.1 percent of sales employees. Black females were 2.8 percent. And white females were 44.7 percent, according to the Federal Communications Commission.

An insufficient number of blacks in the pool that feeds the management selection results in lack of upward mobility. And the lack of black progress has a serious negative effect on the American society as a whole. Television has been called the fourth branch of Government. That label, of course, reflects a bit of hyperbole. But it does serve to underscore the incredible power of this medium.

So, the people who program that powerful institution, or who are involved in what comes out of the boxes in billions of locations around the world every day, have enormous power to shape and create images, to correct or reaffirm stereotypes—racial or otherwise. And that pertains to news, entertainment, or talk shows.

That power also must be viewed against the backdrop of the confused, misunderstood, and rarely rationally discussed issue of race in America. The psychiatrist Price M. Cobb of San Francisco said recently in the context of the O.J. Simpson case: "Race is not discussed in our society because we don't know how to discuss it. We don't have the language or imagery. We need to back away from all the cliched analysis so that we can have healthy discussions of the implications of race."

Harvard professor Henry Louis Gates, in the same *Washington Post* article, stated: "We bring almost stereotypical notions from the fifties and sixties to a reality that's too complex in the nineties for those models to explain."

Most white Americans learn about black Americans from the media, and the perceptions they bring from television viewing become their reality. We know that correcting perceptions is difficult because the tally of one's personal experiences is clocked into that person's outlook. And, eventually, affects that person's interpersonal behavior. These media images dictate the way whites treat African Americans.

If we look at ABC, CBS, NBC, and CNN, the question that must be asked is, How many black people serve in positions of vice presidents of news, executive producers of evening news shows, or on prime time magazine shows? I'm talking about people who are not just reporters and correspondents, but executive producers and associate producers. How many black news directors are there in the U.S.?

I expect I can count them all on two hands, and maybe a third. The point is this: The industry is handicapped by lack of black decisionmakers and the public is poorly served.

How often do you see a black guest on the major Sunday morning talk shows, or weeknight talk shows, other than if the issue is riots, sports, crime, or welfare? This situation sends a perception of the view that black journalists and black experts don't speak on any subject other than race. It sends the perception that blacks are experts only on subjects that are perceived to affect blacks more than any other group.

My own telephone rings so constantly requesting interviews about the recent *Time* magazine cover featuring a doctored and darkened mug shot of O.J. Simpson that I had to tell our *Post* operators to tell people that I couldn't be interviewed because I had to write my column for the *Post*.

You know, when the prism of race is as muddled and as blurred as it is in America, it is urgent that black managers and officers be highly placed in sufficient numbers in the most powerful medium invented to shape opinion, ideas, and minimize stereotype.

Chairperson Berry. I think you should try to wrap up.

Ms. Gilliam. I have just one more paragraph.

The halt to stereotyping won't change until blacks are not relegated to a little corner of the world but are allowed the opportunity to be full players on the stage.

I would like to enter into the record a copy of a survey that the National Association of Black Journalists did that is entitled "Fear and Frustration in the Newsroom." It details the mistreatment and the gulf in perception between African American journalists and their managers. I think it adds to the information of the Commission, not only the difficulty African Americans have rising to positions of power once they are on board, but it also sheds light on why there often is a revolving door when African American journalists come into newspapers and come into broadcast studios anticipating that they will be allowed to fully serve. And when they hit the brick wall, many of them decide that they are not going to wait around and they leave.

Unfortunately, this gets translated into sometimes broadcast outlets saying, "We can't find any qualified." I say the issue is not one of supply; the issue is demand and decent treatment.

Thank you.

Chairperson Berry. Thank you very much, Ms. Gilliam. Would you have time for questions if anyone has any?

Ms. Gilliam. Yes, I could certainly try.

Chairperson Berry. I am going to deviate a little bit. The practice is to let everyone present and then ask questions. But since she has this conflict, if there is anyone who has a pressing question at this stage—you note I said "pressing"—then please do.

Yes, Commissioner Anderson has one.

Commissioner Anderson. I would like to ask you to expand on your last comment.

Ms. Gilliam. About the survey?

Commissioner Anderson. About the survey, yes.

Ms. Gilliam. The survey was the first time that the National Association of Black Journalists has conducted a survey of its members, and our intent was to determine the impediments to moving up.

We found that in general most of the respondents did not feel that there was a serious commitment to diversity in the broadcast studios and in the newsrooms of America. We also had a control group of managers, most of them white. And we found a very large gap between the perceptions of those managers and the perceptions of the journalists.

The managers felt that they were very committed to diversity. The journalists did not share that view. And I think if we look at the numbers that I have just presented very briefly this morning, it seems that the NABJ members, the employees, come a little closer to reality.

Commissioner Anderson. Did that involve things like assignments, air time, promotion? Could you just elaborate for a minute?

Ms. Gilliam. Yes, it did. And I am going to just pull out the study now because I will be leaving it with you.

It did. It looked at the standards for promotion. It looked at the time spent in entry-level jobs. It looked at the aspect of how much formal training was needed in order for African Americans to move up. There was a very strong perception among our respondents that they stayed in lower level jobs longer and that if there was any potential for their moving up, they were required to get training that often their white counterparts were not required to get.

So, the survey really looked at just why there are so few who are in positions of management and what were some of the impediments. There was an agreement between the NABJ members and the managers that the pool was too small. What we did not get was any sense of an aggressive behavior on the part of the industry to try to really broaden those pools.

There have been some efforts, but in terms of those efforts being much more than token in terms of their impact, you know, we felt that they really had not.

Commissioner Anderson. Thank you.

Chairperson Berry. Commissioner Horner has a pressing question.

Commissioner Horner. I am interested in this question of people coming on board in a job and then becoming discouraged and leaving because I think this is a phenomenon we have seen in other realms, for instance, colleges and universities where there may be a disproportionate dropout rate among minority students.

Did your survey look at the previous experience and education of those who came in, of minorities who came into entry-level jobs? In other words, is it clear that they came in with the same level of education and prior training or experience so that they were on a level playing field? Or did they come

in because they were aggressively recruited with a lesser level of experience or attainment?

Ms. Gilliam. Let me just say that I am not certain that we went into that level of detail. The study was done with the assistance of the polling experts at *USA Today* and I know that we really looked at the whole issue of how much the problem for moving up was the lack of job skills versus how much the problem was such things as lack of role models and contacts and mentors internally.

So I think we probably have the answers to those questions. And when I leave it, hopefully when you examine it closely—

Commissioner Horner. I look forward to seeing it.

Chairperson Berry. The point is, was there any evidence that the black employees were less well educated and brought less to the job than the whites, which would have accounted for their lack of mobility?

Ms. Gilliam. Not at all. And one of the things that was very interesting about this was that once again you had the empirical evidence that would answer the question, but you still had this great gap in the perceptions on the part of the managers and of the reporters.

For example, our members overwhelmingly said that the lack of mentors once they get into jobs was a problem for them. Some managers agreed, but many managers really didn't see that.

Our members felt that moving up in the newsroom was not hampered by the experience they had. The managers, however, said that they thought that our members were less experienced. So, you know, there was just a conflict in terms of the perceptions, almost as though the African American journalists and the managers that we interviewed were living in different worlds.

Commissioner Horner. That is the problem, isn't it?

Chairperson Berry. Commissioner George, you had a question?

Commissioner George. Yes, Dr. Gilliam—

Ms. Gilliam. Not "doctor," just "Dorothy."

Commissioner George. Dorothy Gilliam.

It's a much-debated question, of course, about the justice and desirability of preferential treatment for minority group members in the cause of increasing the diversity of the newsroom or any other institution. But in response to Commissioner Anderson's question, you suggested, I think, that

there was at least a strong feeling among some minority professionals in this field, that it's not a question of preferential treatment; it's a question of unequal treatment, that these people are being held to standards that white employees are not being held to. More education is required of them than is required of nonminority employees.

Ms. Gilliam. Exactly. Particularly in the area of training. It's not necessarily formal education, but if you're going to be on a management track, you're required to go into a more intensive training program than would a white counterpart.

Commissioner George. Just because of the color of this stuff?

Ms. Gilliam. Right.

Commissioner George. Is there anything in the study that would tend to document those allegations? Because I think that's the kind of thing that, concretely, this Commission could weigh in, perhaps even helpfully, about.

Ms. Gilliam. Once again, nearly half of our members said that black journalists were less likely to—I'm sorry, let me make sure I've got this statistic right.

Commissioner George. If we just look at the training that is required in this group and the training that's required of that group and look at the statistics over 5, 6 years and say, hey, something's fishy.

Ms. Gilliam. Right. Because our journalists said once they are on the management track, a majority of them were more likely than their nonblack peers to be required to have extra training for promotion.

At the other end of the spectrum, only 4 percent of the managers said more training was likely. So once again—

Chairperson Berry. We can investigate that. We can make inquiries and find out whether in fact whose perception is reality.

Ms. Gilliam. But I think that the reality also is that there is a pattern that exists. And that is two-thirds of our members said they spend more time in entry-level positions than nonblacks. The managers disagreed. But it seems to me that's documentable.

Chairperson Berry. We will take these into account and we will make further explorations to find out whose perception is accurate if anyone is. And we thank you very much, Dorothy.

Let me apologize to the other panelists for pursuing the questioning with her before we took

your presentation and now I would like to go to Ms. Cheryl Gould.

She was named vice president of NBC News in August 1993 and she is in the management of NBC News Division. And before that she was executive producer of NBC Nightly News with Tom Brokaw and was one of the creators of "NBC News Overnight." Ms. Gould, thank you for coming.

Ms. Gould. Thank you. You stole my first paragraph.

Chairperson Berry. Oh, I'm sorry. Oh, you were going to say what you did.

[Laughter.]

Ms. Gould. My name is Cheryl Gould and I am vice president—

Commissioner Anderson. What's your position?

[Laughter.]

Ms. Gould. Vice president of NBC News, responsible for assisting in the overall management of the NBC News Division and all of its programs and policies, and I have been in the news business for about 20 years, holding a variety of jobs from on-air reporter to producer, editor, executive producer, and now senior management.

Right before this position, I held the position of acting executive producer of Nightly News.

Back in 1974 when I was pounding the pavements for a job in journalism, any job, print or broadcast, the response I often got was, "Sorry, we already have our female." When I finally landed a job at a radio station and a couple years after that at a local TV station, not only were there very few women, but there were very few minorities, very few anything other than white males. No women or minorities on the assignment desk, no women or minorities in the anchor chairs, no women or minorities producing the broadcast or in upper management.

I am happy to report that 20 years after that initial job search, there has not only been a great deal of growth in the numbers of women and minorities in the newsrooms across the country, including my own at NBC, but, just as significantly, an awareness in those newsrooms that the news we report should take into account the changing face of the United States.

By having our work force more and more mirror the demographics of the country, we are better able to address the concerns and interests of that population. There is still plenty of room for growth and improvement, but I am pleased to say that we

have made great strides toward achieving a truly diverse workplace at NBC News, and I think it is very important that the company sees diversity not as some kind of politically correct notion but as a business necessity.

I would like to tell you about a number of the programs and procedures that we currently have in place. One of the first steps in NBC's diversity initiative was an educational project on diversity for employees of NBC News about 5 years ago. The project consisted of a taped package that our task force on women and minorities put together. It was anchored by Katie Couric and was followed by a roundtable discussion led by her.

The focus was to talk about diversity in relationship to broadcast journalism and our day-to-day duties in the News Division, how to avoid stereotypes, how to be much more inclusive when we look for experts who should be from a wide, diverse population. The tape cited examples of other news organizations like the *Seattle Times* and *USA Today* that have stellar records and how we could learn from them.

It was required viewing at NBC News and the tape was sent to all our stations and affiliates. It was the springboard for the development of a far more extensive diversity training program.

As part of our overall commitment to diversity, we set up these diversity training workshops in 1993 and it is currently being provided to all NBC employees. It is led by NBC employees who received specialized training. They are day-long workshops on company time and during work hours. No one is exempt from this training from receptionist to president of the News Division. The goals are to enable employees to understand the meaning of diversity and how and why it's a business issue for NBC, to understand stereotypes and how they affect our work relationships, develop the awareness of the impact of diversity and how it affects us.

One of the most important aspects of the training educates employees in the changing demographics in America and how those demographics affect our ability to compete in the marketplace. We have submitted to you one of the modules so that you can have some appreciation of the kind of training that we have our staff attend.

Awareness training is only the first step. The second phase of our diversity training initiative will be to develop mentoring programs as well as training in conflict resolution, coaching, and counseling.

Let me talk a little bit about where we are now. The demographics of NBC News's work force have changed significantly over the last decade. We have seen noticeable differences in our production staff, our on-air talent, and our managers. We are anticipating continued change.

All our recent hiring shows that minority hiring is trending upward. The position of senior producer, that feeder group for executive producer, has shown the most dramatic change. Ten years ago, there were no minority senior producers employed by NBC News. Today, 20 percent of our senior producers are minorities.

Similarly, our minority producer rank, that step just below senior producer, which is the feeder group for senior producer, has quadrupled. And at the entry level of the producer hierarchy, the assistant producer, associate producer ranks, more than one-fifth of our employees today are minorities.

Our network correspondent group has also shown a sharp rise. Ten years ago, about 7 percent of our network correspondents were minorities. The percentage has increased to about 20 percent. Since Andy Lack became president of NBC News about a year ago, about 40 percent of the network correspondents that he has hired have been minorities.

At the bureau chief level, those individuals responsible for running our news gathering operations, our numbers are exceptional. One-third of our bureau chiefs are minority. That's up from about 14 percent 10 years ago.

Hiring doesn't tell the whole story of where we are today. Diversity as a business initiative led to the development of our Spanish language news channel, Canal de Noticias, which is based in Charlotte, North Carolina. Canal is staffed by bilingual employees, by and large Latino and Latina. The program came about because of a recognition of the important role of our Latin American neighbors and their news needs. Canal is also now starting to come into the western part of the U.S. Canal also serves as a news training ground, allowing a diverse group of employees to gain experience in writing, editing, and producing.

Another training ground for our on-air talent is Sunday's edition of "Weekend Nightly News." We have decided to fill that position on a rotation basis, allowing new talent, especially recent minority hires, to gain the experience of anchoring a major NBC News program.

As you have heard, our numbers have grown very noticeably over the last decade. We are committed to growing our own, using our producer ranks as feeder groups for senior level production jobs, and using our senior producer ranks as feeder groups for executive producer positions. We have established a number of programs to help us achieve these results.

This past winter, following the lead of NBC's companywide diversity task force program, we established at NBC News our own diversity advisory council that's composed of six highly respected and diverse representatives of the News Division from around the country. The mission of the council is to make NBC News more a reflection of our population through hiring, promotion, and recruitment and to foster a workplace environment of awareness.

This group is charged with advising Andy Lack, our president, about policies and procedures designed to attain diversity at all levels. The council meets regularly and is also a sounding board and a conduit for the concerns of News Division employees.

The major accomplishment of the council, so far, I think, has been the creation and staffing of an NBC News assistant producer/associates program which I will get to in a second. The council is now starting to focus on how to take diversity training to the next step.

So, in furthering our goal of fostering diversity in the News Division, we believe in training from within and steering would-be young journalists to manager and producer ranks. I am sure my colleagues at the other networks feel that it is in trying to recruit for the producing and management ranks that we often have the most difficulty. When you go to recruit, so many young people want to be on air and so we are trying to steer them into the management and producing ranks where decisions are made. This program that we have established will do just that.

We just hired nine individuals who were chosen to represent a variety of social, geographic, and ethnic backgrounds, among them African American, Caribbean, Puerto Rican, Mexican American, and Asian American. And they will begin this program in 2 weeks.

I recognize that my time is up. I wanted to go into our minority conventions where we are greatly involved and represented and we do a lot of our recruiting at these minority conventions. And in fact, NBC is hosting—there is the Unity Conference coming up in Atlanta—and we are going to be the

largest network sponsor at the upcoming convention with four job fair booths, with 12 to 15 recruiters on site.

Let me conclude by saying that here at NBC News we view diversity as a serious business issue that affects our ability to compete. By instituting all of the programs, not all of which I got to describe here, we believe we will have a competitive edge going forward. It is not just the right thing to do, it's the right business thing to do.

We reach 90 percent of all households a week and it is our challenge to identify what programming will appeal to that population, and we are only going to be able to do that if we have a diverse work force that's composed of the best intellectual and creative talent and we hope that in that way we'll be even better able to speak to and serve the American public.

Chairperson Berry. And we would be happy to include your remarks in the record, even if you didn't get to them in your oral statement.

Ms. Gould. Oh, if you can read through my—
Chairperson Berry. Or you can add to them when you receive a copy of the briefing.

Ms. Gould. Okay, thanks.

Chairperson Berry. Thank you very much.

Ms. Gould. Sure.

Chairperson Berry. Now we will go to Linda Mason, who is vice president of Public Affairs for CBS News. CBS/QVC.

[Laughter.]

Chairperson Berry. She became vice president in October 1992, where she is responsible for lots of things, including "Eye to Eye with Connie Chung" as well as all CBS Reports documentaries. She has been executive producer of "CBS Sunday Morning" since February of 1987 and executive producer of CBS News Weekend Newscast since February of 1986. Thank you for coming, Ms. Mason.

Ms. Mason. Thank you.

You also stole a little of my first line and some of what I am going to say is going to sound similar to Cheryl, although we haven't talked about it.

I'm Linda Mason, vice president of Public Affairs at CBS News, and I have been in this position since December 1992. They gave me the job in October, but I couldn't get free of the other stuff until December.

In addition to serving as management for CBS News in general, including the daily editorial and weekly head count meetings, where all open employment decisions are discussed—more of that

later—my particular assignments include serving as executive producer of CBS Reports, overseeing "Eye to Eye with Connie Chung," and maintaining and updating the book of standards and ethics followed by all CBS News personnel.

Since joining CBS News as a radio desk assistant in January 1966, I have been the first woman in every job I have held at CBS News. Back in those days, television journalists were primarily white men, from desk assistants to producers to on-camera reporters. I was not and so experienced firsthand various bouts of discrimination, both real and imagined. The imagined slights, by the way, are just as real as the real ones.

My career paralleled CBS News's proactive programs for women and minorities. For instance, when my older daughter was born 19 years ago, CBS had just enacted a maternity leave plan that allowed a mother or father 6 months' leave for the birth or adoption of a child.

For many years, CBS News has maintained a minority training program for on-air reporters. Up to five minority trainees per year are placed in various stations around the country, each for a period of 2 years. The trainee becomes a local station employee, with CBS News paying the base salary and benefits and monitoring the trainee's professional progress.

Commitment to further career opportunities for minorities in broadcasting is so strong at CBS News that funding continued even in the recent economic hard times. Graduates include Bill Whitaker, CBS News Los Angeles, and Ron Allen, formerly CBS News, now ABC News London.

CBS News also has an internship program where almost half the participants are minorities. This has become an avenue of entry into CBS News.

An example of the extent to which CBS News is reaching out to recruit from the minority community occurred during the 1992 political conventions. A time-honored tradition of pages at the convention being sons and daughters of CBS personnel was discontinued. Instead, students at colleges in Houston and New York were recruited to work at the convention with a special emphasis on minority students.

CBS is very supportive of minority conventions and organizations, often underwriting various projects. Next month at the Unity Conference that Cheryl talked about, a team of seven CBS News representatives will attend, including a woman recruiter, a black woman from business affairs, a

black woman unit manager, a black woman assistant bureau chief, a Hispanic reporter, a black senior producer, and an Asian American correspondent based in Tokyo. This is a day-in and day-out effort at CBS News.

Each week at the head count meeting, CBS News vice presidents meet to discuss all job vacancies, whether to fill the position, and to discuss eligible candidates. The president of CBS News challenges each manager by asking if there are qualified minority candidates on the list. The executive producers who are making their wishes known to the vice presidents are queried and, let me tell you, consciousness has been raised.

The results, I am proud to report, are substantial. Over the past 5 years, the head count at CBS News has decreased from 853 to 805 employees and yet the percentage of employees who are women and minorities has increased. Women have increased from 42.1 percent of the work force in 1990 to 43.6 in March of this year. Minorities have increased from 17 percent in 1990 to 20.4 percent in March of this year.

This, I remind you, at a time of enormous downsizing, much of it union based and therefore executed on the basis of seniority, when one would expect that the percentage of white males would increase. This seems to say that our program for diversity is alive and well and well-entrenched.

Let's see what the newsroom looks like as a result. Let's start with management or the people in the decisionmaking positions at CBS News. There are eight vice presidents of CBS News. Two are women, one me, the other the Washington bureau chief. One is a Hispanic male who is the London bureau chief and chief of all our European operations. Our national editor is a woman, who is in charge of all the domestic bureaus at CBS News. Of the other six bureau chiefs, one is a woman based in Los Angeles.

We have four assistant bureau chiefs. Three are women, one of whom is black. This is considered a position from which people move on—a kind of fast track.

We have eight executive producers, two are women. The senior producers of each broadcast are also on a fast track of upward mobility. They break down as follows:

The "CBS Evening News," two women and one black man out of four seniors.

"CBS Morning News," four women, one Hispanic, out of five seniors.

"Sunday Morning," one black woman out of two seniors.

"48 Hours," two women, one black, out of four seniors.

"America Tonight," there's only one senior producer and she's a woman.

"Eye to Eye," two women out of three seniors.

Our on-screen anchors, "CBS Morning News," Mark McEwen, a black man, and Paula Zahn, anchors. Hattie Kauffman, a native American, frequent contributor and vacation anchor.

"CBS Evening News," Connie Chung.

"Up-to-the-Minute" co-anchors are Troy Roberts, a black man, and Sharyl Attkisson, a woman.

"Face the Nation," Gwen Ifill, a black *New York Times* reporter, is a frequent contributor.

"60 Minutes," Ed Bradley, a black man, and Lesley Stahl, a woman.

"48 Hours," Harold Dow, a black man, and Susan Spencer and Erin Moriarty, two women.

"Eye to Eye," Russ Mitchell, a black man, Edie Magnus, Roberta Baskin and, of course, anchor Connie Chung.

"America Tonight," Dana King, a black woman and Deborah Norville, co-anchors.

What does all this mean editorially? CBS News has sought to maintain diversity in its work force to help better understand and explain the diversity of an increasingly complex world. This results in sensitivity to detail, such as telling welfare stories or arrest stories or drug stories using pictures of whites as well as minorities. It is not only a minority problem.

Diversity in the newsroom results in the suggestions of stories from a different angle. For instance, a black producer who worked for me on the weekend news said that black middle-class folk have difficulty shopping in some upscale stores. A hidden camera revealed how, indeed, salespeople treated them differently. This is not necessarily a story that a white producer might see; in the same way gays at CBS helped to shape our rather extensive coverage of Stonewall, the 25th anniversary of the gay revolution, over this past weekend.

Let me emphasize that as journalists there are certain standards and certain qualities that make a story a good story. We will all see those qualities in the main line stories, the Clinton health care program, Arafat returning to Jericho, O.J. Simpson.

Where diversity in the newsroom is helpful and exciting is the dialogue offered by minorities on

discretionary stories or problems affecting their communities or solutions therein. For instance, during and after the L.A. riots, the minority staffers in the L.A. bureau have been enormously helpful in shaping our coverage.

One other area that we have been working on is minority experts in areas of medicine, economics, politics, foreign affairs, and the law, which Dorothy talked about. On any given night, these experts appear on the flagship broadcast, the "CBS Evening News." In my own experience when President Reagan had the operation for colon cancer, we hired as our expert Dr. Lasalle Lefall of Howard University, a well-known expert in the field. He was in the studio using a model to show us where the colon was.

For several years, experts as diverse as Condoleezza Rice, foreign policy, Faye Wattleton, family planning, Andrew Young, Donald McHenry, Barbara Jordan, and Carl Rowan in politics have appeared on the "CBS Evening News," as have Desiree Callender, a real estate broker, Richard Parsons of the Dime Savings Bank, Reed Tuckson of the March of Dimes, and Hubert Williams of the Police Foundation, in addition to many more. They're kind of regular contributors.

There are times when minority experts are asked to comment on minority problems because they are best qualified to know. But increasingly, I hope, you will find a colorblind approach to experts within all our news reports.

Chairperson Berry. Thank you very much.

The next presenter is Richard Wald, who is senior vice president for editorial quality for ABC News and was named in January of 1993. He has been a senior vice president for ABC News since 1978, and from 1973 to 1977 he was president of NBC News and prior to that executive vice president of Whitney Communications, Inc.

Thank you very much, Mr. Wald, for coming.

Mr. Wald. Thank you. I have given to one of your assistants the corporate commitment note that has in it—

Chairperson Berry. Yes, we didn't get the corporate commitment from CBS. We got one from NBC and we got a handout from ABC, but we didn't get one from CBS, but we will, right?

Ms. Mason. Right.

Chairperson Berry. All right. Thank you very much. Go ahead, Mr. Wald. Excuse me for interrupting you.

[Laughter.]

Mr. Wald. I handed it out only because our company has had a longstanding commitment to equal employment opportunities in the corporation in its various levels. And, like the previous two speakers, our News Division feels that it is particularly incumbent on us to fulfill those aims.

We want diversity in our workplace because it is a good thing, a good civic thing. But basically we want it because it's pragmatic. We are in the mass communication business. Our country is made up of a collection of minorities and the minority insight that will help a picture or a story or a person is valuable to us. It helps attract the audience, it persuades people that we know what we're talking about, and it brings more people into the fold.

So we like the idea of having minority candidates. We have resisted the idea of the balkanization of coverage—only women can cover women's issues, only Hispanics can go into the barrio, and that sort of thing. In the first place, it's demeaning, and in the second place, it doesn't work. The minute the story gets complicated or falls into another area, it gets too difficult to maintain the barriers.

But we want that diversity in the workplace because ours is, as it is for the other two networks, a cooperative system. And in any given story there are writers, producers, correspondents, all of whom touch it, all of whom can make it richer and better, and all of whom can help us.

Our programming has attempted, over the past 5 or 6 years, to take a look at these things in a positive way. About 5 years ago we did a full hour in prime time called "Black and White in America" and it was done entirely by the minority staff at ABC News. We followed that up with a series of things starting on "Prime Time" with an investigation with hidden cameras of the differences between two people equally qualified and situated in life—one black, one white—as they went about trying to get a job, trying to rent an apartment, trying to buy a car, and what happened to them. It was extremely successful. It was repeated. We still get requests for it from schools and seminars.

We did the same process with a man and a woman, with an older person and a younger person, and we are going to do one on "lookism"—a good looking person and not such a good looking person—just to show you the subtleties of American

life that are sometimes illegal but more often just the way we live.

It is particularly true for the "American Agenda," which is a central piece of our flagship news program, "World News Tonight with Peter Jennings." It has had the compliment of the other two networks copying it.

[Laughter.]

Mr. Wald. It looks for solutions for dealing with problems in our life, and it has been informed for the entire 6 years it's been on the air by a strong minority representation, particularly in medicine, education, and family affairs, so that it deals with things like a school in the Bronx where poor kids are taught to become successful entrepreneurs, a housing area in Nashville that has a successful antidrug program, a series of medical stories in minority communities that have particular medical needs which get met in a quality medical way.

We are able to do that because the women and the minorities on our staff are a strong part of the editorial process. Our experience has been that recruiting was a lot tougher than we thought it would be, partly because society provides us with a smaller pool of college educated minorities than we draw from for the majority. Partly because the television stations on whom we have traditionally relied to draw in talent for us have small representations of minorities. Those people often aren't suited for what we want and when we do find somebody we want, there are contracts and pay issues and everything else so it's a tough process. Traditionally, we have promoted from within.

Our effort has been, therefore, to promote from within and to increase the size of the pipeline. Over the years we have had about 20 executive producers in the whole system. Of that group, three were hired from the outside. Basically, we grow our own.

One of the present 12 executive producers is black. He is in charge of the largest single American network news effort that I know of in all of our television histories. He is creating a history of the 20th century. It is an effort that requires literally tens of millions of dollars; it involves our largest overseas partner, NHK, the Japanese National Broadcasting company.

Chairperson Berry. Is his name a secret?

Mr. Wald. Pardon?

Chairperson Berry. Is his name a secret?

Mr. Wald. No, it isn't, but I didn't want to get into names of people. But his name is Lionel Chapman and—

Chairperson Berry. I beat him at tennis regularly.

Mr. Wald. That's not what he says.

[Laughter.]

Mr. Wald. And it will go on the air in roughly 3 years if he survives your tennis game. And it will be 20-plus hours of prime time television and it may go much further than that. It may go into 30-plus hours depending on how successful it is.

And he isn't in the job because he's black. He's there because he has successfully negotiated our ladder from the days when he was a researcher through producing for Ted Koppel through all of the things he recently produced, our D-Day prime time effort which was spectacular. And he does it because he's a good executive producer.

Those are the people we want. And we get them in lots of different ways. For roughly the last 5 years, we have had two senior executives at ABC News who are charged with bringing people to us and developing them. One is a vice president who sits in on all of our meetings and one is a director. And those two people do these things.

They go out to every minority journalism group that they can find, the college seminars and everything else, to help people. They do that not simply to recruit. We go out and help people with their seminars; we critique their tapes; we give them advice on how to get jobs on the general theory that they will think well of us when they get the training and when we go out to recruit them, they'll be there, we'll know who they are, and we can reel them back in.

Every job in our division has to be posted. Before you can hire somebody, they will sit with any manager and discuss with him or her what minority candidates did you interview and why is it that this person isn't a minority or why did you pick this person.

In addition, all of our job postings, like all of the job postings at Cap Cities ABC, are mailed out to roughly 150 interested minority groups around the country—you will have a copy of it in the brochure—who can apply for the jobs. So we get the biggest pool possible because it's the size of the pool that is our biggest problem.

In addition, we operate as the others do a correspondent development system. Ours is

organized slightly differently. It is the latest development in a series of steps. We have four positions in various places around the company. Only two of them are presently occupied.

We take people who are not presently qualified to be correspondents, either because they haven't had the background or they haven't had any television experience. We have a full-time producer who works with them. We move them around the system and, most importantly, on the advice of our own minority correspondents, we send them to important stories.

The reason for that is the producers only know the people they see doing the work. If you are at, as one of them is at the present time, a major murder trial in Los Angeles, the reporters know you're there, they see your work. So at the end of 2 years in a training period, you've seen a lot of producers, they associate you with major stores, and you don't just get the bottom rung job as our criterion is, hey, when the good job comes up in London, they never think of the minorities because they're just in training, and we are trying to correct that.

In Washington, we had a bit of a problem in arranging things with our unions, but we now have a regular rotating intern. That person is not on the union seniority ladders. That person works for us for 1 year and then gets into our system.

I won't go through all of the programs. There are two or three more. I have no statistics comparable to everybody else's numbers. Let me just give you two statistics.

From 1986 to 1994, our division increased by 11 percent. The women in our division increased by 14 percent; the minorities in our division increased by 17 percent.

In those top two categories, the EEO list that we are most interested in, the number of employees increased by 20 percent, the number of women increased by 42 percent and the number of minorities increased by 42 percent.

We are not perfect. We have had a lot of trouble getting to where we are. We are trying to do the right thing to help ourselves. We stumble occasionally. But we have got some good things to report and as our time goes on, we think we will have many more.

Chairperson Berry. Thank you very much. Thank you to all of the panelists.

Commissioners, questions? Comments?

I have a couple myself. May I ask questions because at about 12:15 I have a conflict and I am

going to have to leave you, but I had a couple that I wanted to ask if I can be indulged by my colleagues just for a moment.

The first one I wanted to ask was to ask Ms. Gould if she was familiar with this survey of NBC news employees done by the Rainbow Coalition and if she is familiar with it could she—not now, but if a staff member got in touch with somebody there, could you verify that either these numbers are crazy or that they're right or—get somebody to do it or whatever?

Ms. Gould. I would love to.

Chairperson Berry. Okay. Who can they get in touch with? They'll find out.

Ms. Gould. Okay, because I would like to have that record corrected.

Chairperson Berry. All right. And I will share this with my colleagues when we get it. We'll share it among ourselves rather than discussing it.

The other question I had was to say to Ms. Mason that this morning at our meeting we spent a considerable amount of time discussing "Eye to Eye with Connie Chung" and it just happened that it occurred today. And we were discussing—all of us are very mindful of freedom of expression issues and freedom of the press in particular and I am, when it comes to the first amendment, a purist, an absolutist.

But we were discussing a show on "Eye to Eye" dealing with Chinese—let me see, this was May 19, 1994, I guess it was "CBS Evening News," rather, and it involved Connie Chung. It was "Eye on America," not "Eye to Eye." And it was about Chinese in the United States and we're going to be making inquiries. So I thought I would just mention to you that this was discussed this morning and we are going to make inquiries and to ask you who would be the—are you aware of this show I'm talking about?

Ms. Mason. I am aware of it, but I can't really comment on it because I am not really up to speed on it.

Chairperson Berry. Who would be the right person at NBC—ABC—

Ms. Mason. At CBS? Either Lane Venardos, who is the vice president of hard news, or Erik Sorenson, who is the executive producer of the Evening News.

Chairperson Berry. Okay. Well, they will get in touch with that person.

And the last question I had was I was very pleased to hear you comment, all of you, about the

use of experts on shows. Because, from my own experience being on television over the years, I have noted what Dorothy Gilliam referred to, which is that very often there are no experts who are people of color unless the issue is about people of color. And I have even had to say to some of my good white women friends—and they are my good friends—that even when they discuss women's issues on shows, very often unless somebody thinks about it, all the women are white when, of course, there are women of color.

So I was pleased to hear you say that you are taking steps to address this issue and that you are aware of it. That's all I will say about it and hope that you will make further progress and Dorothy Gilliam said that you might say that there was a pool problem with the managers and how people have to be moved up.

It sounded like a pipeline problem from the statistics that all of you gave to the extent that Mr. Wald had statistics too. It seems that you are increasing the numbers of women and people of color, but do you think it's just simply a pipeline problem? Everybody is sensitized now. There are no problems with being sensitized. It's just simply that it's going to take time for this to happen?

Ms. Mason. I think that it's a business where there is a great deal of competition, where there is a great deal of desire to do this line of work, where the pyramids get real small and it gets frustrating for white males as well. I mean, you don't move as fast as you'd like to and you do spend time in the entry-level jobs and there is the feeling that people maybe spend a longer time there.

I think if you talk to a lot of people at entry-level jobs, that's how they feel. There might be some real problems that ought to be corrected. But I think now that we have a pool and the pipeline—I mean, Cheryl and I came out of the pool and the pipeline and that's a start. And in our wake are more women and more people of color coming along.

So I think it is a question of time and it's going to be here, we hope, very shortly. We are working toward making that happen. But I think that for everybody it's very tough.

Chairperson Berry. Okay.

Commissioners, questions, comments, anyone, of the panel?

Vice Chairperson Reynoso. According to Ms. Gilliam's testimony, in 1972, 13 percent of the folk appearing in television news were minorities and

10 percent were women. So in terms of the pipeline, apparently both have been there for some time.

Now she compared that to 1 percent minority in 1960. There were quite dramatic changes between 1960 and 1972, including legislative changes in the 1964 Civil Rights Act and the civil rights movement, at least that portion that had to do with Martin Luther King. So that would explain that change.

But interestingly, since 1972 to 1992, there have been no dramatic changes, at least legislative changes, but there has been a change in perception of the role of women in our society. And she reports that the women went from 10 percent to 30 percent, but no equivalent change for minorities.

I just wonder what your own thoughts are. So I am suggesting maybe the pipeline may be a problem, but somehow there were more minorities when the two of you got started than women. And yet now women are all over the place in terms of higher management decisions and minorities are not. What happened to the pipeline?

Ms. Gould. I can't speak to her numbers. She might have been talking about total journalists.

Vice Chairperson Reynoso. These numbers, incidentally, I find similar numbers in the professions among professors, among lawyers, among doctors. Her numbers don't surprise me. They ring true to me.

Ms. Gould. Certainly just from our own record, unfortunately our numbers were even worse. As I mentioned, in the senior producer ranks, there were none. And even in the entry-level ranks, the numbers were very small. And, as I mentioned, they have in some cases quadrupled and in other cases gone up even more than that.

So those numbers are not reflective of what the situation at NBC was, anyhow.

Vice Chairperson Reynoso. The import of my question is this. What has happened in terms of the evolution of minorities versus white women in the industry? White women have done very well, comparatively speaking. Minorities have not. Why?

Mr. Wald. Can I hazard a guess? I don't know the answer, obviously.

I think there are two parts to our problem. One is the pipeline, but the second is the pool. And there are a lot of college educated people who are women. Society has produced more women from colleges and training institutes than it has produced minorities from the same background. And that is traditionally where we used to go for everybody.

I suspect that's the answer. We run a double problem, as I say, not just the pipeline but the pool that feeds the pipeline.

Ms. Gould. We have similar experience as well. That is a good reflection of our situation.

Chairperson Berry. Commissioner Horner.

Commissioner Horner. Yes. Mr. Wald, you mentioned downsizing and union rules.

Mr. Wald. I didn't mention downsizing, but I did mention union rules.

Commissioner Horner. I'm sorry.

Chairperson Berry. Ms. Mason mentioned downsizing.

Ms. Mason. We are the ones that downsized.

Commissioner Horner. Can you tell us if there is any adverse effect on the advancement of minorities from union rules generally?

Mr. Wald. I don't think so. I only mentioned it because there was a big delay in our implementing what we had decided to do in terms of an intern who crossed union boundaries. No, I do not believe that there is any significant difficulty.

It is when you try to break the traditional boundaries that everybody has, and quite properly so when they are traditional in business, that it takes time until you can organize.

Commissioner Horner. To negotiate—

Mr. Wald. To negotiate a new dispensation. It isn't that people were against doing it, it's that they had to figure out a way to get it done.

Commissioner Horner. I just wanted to raise an issue but not ask you to elaborate on it unless you want to.

Our mandate as a commission is also to protect against religious discrimination. This morning while I was having my coffee, I was thinking about this question and thinking about the whole communications industry and religion. And I wrote down these names: Gloria Steinem, Katie Roiphe, Germaine Greer, Patricia Ireland, Ellie Smeal, Camille Paglia, Catherine MacKinnon, Susan Faludi, and Jim Henry. Now, Jim Henry is probably the only name most of us in this room wouldn't instantly recognize and be able to identify.

Commissioner George. I am dying to know. Who is he?

Commissioner Horner. Jim Henry was, sometime in the last few months, elected to head up an organization of almost 15-1/2 million people in this country, namely, the Southern Baptist Convention. And as we think about racial minorities

in the newsroom, sensitizing people to important issues to American citizens, I hope that you will keep in mind—I know you have a very full platter of requirements from hither and yon and everyone, but it seems to me that it becomes somewhat dangerous when there is a group that big, that powerful in the lives of ordinary Americans, not being revealed as participants.

I know the Catholic Church recently published in English its first new catechism in 400 years, 400 years. This is a news event, folks. And I guess I had expected that experts would be coming on to talk about it.

Anyway, it's just a thought. I throw it out for your consideration.

Mr. Wald. May I speak to that for about a moment? I don't know whether I agree or disagree with the observation. But recently we hired a religion editor, Peggy Wehmeyer, who lives in Dallas, and she reports regularly on the American Agenda that I was talking about, and has undertaken to report on religion specifically.

And I don't know whether you saw the interview she did with President Clinton about his faith and how it affects what he does or the things she has just finished on the questions of separation of Church and State, how do committed Christians look at it, how do committed civil libertarians look at it, and how in our society can you make a correspondence between them.

It is difficult to persuade traditional reporters and editors of the varying importance of religious affairs. There is a tradition in this country, and particularly in news divisions, that religion is a private matter and much as we don't speak to everybody's sexual orientation, we don't speak to their religious orientation.

Nonetheless, these are social questions that are of enormous concern and we are addressing them. And I know the other two networks address them from time to time also in stories.

Commissioner Horner. I guess I would ask that you think about whether you are addressing them in their political incarnation—separation of Church and State, for instance, is a political issue as much as it is a religious. An interview with the President about his faith is a political issue.

I guess what I am trying to suggest is there are people who are part of major American organizations who wish to hear news about what's happening in their organizations from their perspective, which is

religious, theological, and so on, rather than from the kind of narrow portion of their religious experience which overlaps with their political agendas or someone else's.

Ms. Gould. I believe the catechism story was a network story.

Mr. Wald. I believe so, too. It was on ABC.

Ms. Gould. And on NBC as well.

Vice Chairperson Reynoso. Commissioner Wang.

Commissioner Wang. Thank you, Mr. Chairman. I would like to go back to the chart you have just presented to us. I guess it was Ms. Gould, on your chart on NBC—actually, most of this was given to us by the coalition, the Rainbow Coalition, I think. Basically, when I look at this I am really amazed to see that Asian is nowhere to be found in the whole network, except one, one individual. So what does it take for Asians to get to NBC?

Ms. Gould. You are referring to the Rainbow Coalition's chart, did you say?

Commissioner Wang. Right.

Ms. Gould. As I said to the Chairwoman, we will provide information that will refute just about everything, and in fact there are a number of Asian Americans in important positions on air and off the air at NBC News and, by and large, I believe the Rainbow Coalition's concern focused on African Americans, essentially, and didn't go into Asian Americans at all.

Commissioner Wang. So your position is that it is totally different?

Ms. Gould. Yes.

Commissioner Wang. If I can switch to Capital City, your last page when you're downsizing from 1991 to 1993, you have a reduction, but the proportional reduction of Asians, particularly in the female category from 483 to 311, which is almost about 40 percent reduction as compared to the other reductions of about 5 percent, I mean, what would you say contributed to this drastic reduction? Is it last hired, first fired, that theory again?

Mr. Wald. I can't speak for the corporation, only for the News Division. We did not have similar downsizing. We had downsizing but not in such proportions and I can't answer. I just don't know. The corporation has I don't know how many employees, but a lot more than the News Division, and I do not know what accounts for that.

Commissioner Wang. On the male category it's similar, the other categories, the Latino category, there was a slight increase even during this year.

Mr. Wald. I do not know the answer. Andy Jackson, who compiles those numbers, if you want to talk to him or ask him the question, I am sure he could answer that.

Commissioner Wang. To follow up with this, I guess we certainly would like to get the answer from Andy to see whether there is a pattern on one end or the other.

I remember some time in the New York market where—a white female was brought in at substantially less salary to replace her and later on I think you also brought in another Asian female but again at a much lesser salary. Someone who has been with the company for a number of years, very loyal, dedicated and with a high rating and was released because if she wasn't Asian, would she be protected?

Mr. Wald. The little I know about that instance is that it had nothing to do with the fact that she was Asian, and they were kind of surprised at Channel 7 to find that there was a belief that it had something to do with the fact that she was Asian.

Anchors who stay in a station for a long time do occasionally depart and she was one of them. But I don't know enough about it to respond to your question. The local station in New York is not among my many responsibilities.

Commissioner Wang. So from the national network standpoint, what would it take for an Asian to break in?

Mr. Wald. The same thing it takes for anybody to break in. I guess our latest Asian hire would be Deborah Wang who is our correspondent right now in Beijing. She has a good college background, she worked for a while in radio, and she looked like a person who could do our kind of work. We worked with her for about a year before we sent her overseas. Her interest was in going to Asia to report. And what it takes is desire, education, talent, all those things that go into it for everybody.

We make an emphasis on minority candidates, black, Latino, Asian, to fix what we see as a shortfall in our lives and all of them have to meet the same criteria. And what it takes to be successful in our world is the same thing it takes to be successful if you're white male, white female, minority whatever.

Because we need to be able to rely on the people who work for us and can work to the same standards everybody else can. And unless we do that, we're

failing in what we do and the people we deal with won't be successful.

Vice Chairperson Reynoso. We have three panels of three folk each, not that each panel will take this long, but I did want to explain that.

Commissioner Wang. One short question for Ms. Mason. Do you recall when Connie Chung was hired, there was a nationwide outcry that she was not a serious journalist, she was not qualified to be the anchor?

Ms. Mason. She came back to CBS from NBC.

Commissioner Wang. Right.

Ms. Mason. And was doing her own magazine broadcast. And then a year ago she was named as the co-anchor of the CBS Evening News and there was all this talk. Obviously, we didn't believe it because she is still there.

I worked with Connie on the Weekend News; she was the Sunday anchor when I was the Weekend News producer and I knew her to be a serious journalist.

Commissioner Wang. So the reason for this outcry, can you attribute—

Ms. Mason. Can I attribute it?

Commissioner Wang. Why there's such an open criticism by some of the commentators, some of the TV journalists?

Ms. Mason. This sounds self-serving, but when CBS sneezes, we get more press than anybody in the world.

[Laughter.]

Commissioner Wang. Was it because she's Asian?

Ms. Mason. Oh, is that where you're going? No, I don't know. I would hate to think so. Or because she was a woman? I would hate to think that somehow a woman, the first woman anchor, Barbara Walters years ago on ABC, but the first woman co-anchor, I don't know what brought it out.

Commissioner Wang. Although I wasn't happy with the latest incident on the Chinese part, I just wanted to bring this up. When she was appointed at that time, I felt it was because she was a woman, she was an Asian, and that's why you have this kind of a reaction from many of the columnists and criticizing CBS for making this particular promotion or whatever.

Ms. Mason. You're talking about public perception of an Asian American. I see. I don't know. You might be absolutely be right, but we gave it no thought. We're behind her.

Commissioner Wang. Very good.

Vice Chairperson Reynoso. Commissioner Anderson has waived his question.

I just want to thank all of you. As you can see, there is a great deal of interest. It's been very instructive. I commend all of your stations or national organizations for the work that you've been doing.

The impression I have is that we still have a ways to go. You may have heard that our Los Angeles office is doing an investigation now of the local television industry, including private networks, because of the continuing complaints from minority members in the industry. So the difference in perception between minorities in the industry and nonminorities seems to be a great one. I think maybe the industry needs to worry about that.

Ms. Mason. The network is one thing, but the local stations, the 600 affiliates, are a different animal.

Vice Chairperson Reynoso. Yes, we understand that.

Ms. Mason. And life is different in both these worlds, and that could lead to some of what you are talking about.

Vice Chairperson Reynoso. Granted, and the focus in Los Angeles was more on the local.

Very well. Again, thank you very, very much.

Ms. Mason. Thank you.

Vice Chairperson Reynoso. I would like to call the second panel, Mr. Porter, Mr. Honig, and Mr. Lichter. We do have a time problem, I understand, with Mr. Honig, so I will be introducing him first, and maybe if there are questions we can have some questions for Mr. Honig initially, too.

Let me introduce all of you, first. To my right, his left, is Mr. Roderick K. Porter, who is the Deputy Chief of Operations of the Federal Communications Commission [FCC]. He was legal assistant to Chairman Richard E. Wiley from 1976 to 1977, and returned to the FCC in 1982 as Chief of the Policy Rules Division of the Mass Media Bureau. He is also the vice chair of the Communications Section of the Federal Bar Association.

And then Mr. Honig, who is in the middle, is a communications civil rights lawyer who has served as General Counsel for the Miami Dade NAACP since 1989. He is here today in his capacity as executive director of the Minority Media and Telecommunications Council. Mr. Honig has taught

communications policy and law at several universities and is published widely in communications issues.

To my left, your right, is Dr. Robert Lichter, who is co-director of the Center for Media and Public Affairs. He is the author of numerous books on the news and entertainment media, and has co-authored *Watch In America—What TV Tells Us About Our Lives*.

As indicated, I would like to start with Mr. Honig because I understand that he has to be out of here in 28 minutes.

Mr. Honig. Commissioners, thank you so much. It is a great honor to appear here before you today, and that honor is enhanced by the fact that this agency has a long and very proud history of involvement in this issue.

In 1967, when the Federal Communications Commission first conducted a notice of inquiry on the subject of equal employment opportunity in the broadcasting industry, this agency filed very helpful comments which the FCC relied on heavily in deciding that this was an area in which it needed to adopt regulations to enhance the protections which had emanated from Title VII.

In 1974, in this agency's study of the effectiveness of Federal regulatory agencies with civil rights' responsibilities, the Commission concerned itself with the fairly slow progress of minority advancement both in employment and in ownership, and that study helped to ultimately spur the FCC to conduct hearings on minority ownership in broadcasting and to then adopt the 1978 policy statement.

Similarly, in 1977 and 1979, this Commission published landmark studies entitled *Window Dressing on the Set*, which continue to be, I think, one of the two or three leading authoritative sources on the process by which minorities tend to get excluded in broadcast news.

Unfortunately, for the last 15 years the agency has been essentially silent on the FCC and, consequently, these hearings could not have come at a better time. The FCC presently has under consideration hundreds of comments that have been filed in the first EEO inquiry that it has conducted in 7 years.

Although there were three or four comments, including some very extensive comments, filed by national civil rights organizations, literally hundreds of broadcasters filed comments—and I regret to report that very few of those comments could be

considered helpful or constructive. Indeed, it can best be characterized as a surprising backlash against EEO regulation, and it was very disappointing to read the rather hostile tone of many of these comments.

Consequently, what I would like to do today is encourage the Commission to resume its history of involvement with the FCC on this issue, and I would like to urge you to do that for two reasons. One, of course, is that this agency has extraordinary expertise shared by virtually no one else in this field. Many of the broadcasters' comments in the inquiry did not seem to recognize that equal employment is a civil rights issue. It has been characterized by the FCC as a diversity issue, which it is, but it is also a classic civil rights issue. The EEO rule speaks both to discrimination and to affirmative action and promotion. Those concerns of standard civil rights, equal opportunity, and equal protection and diversity are congruent and symbiotic, and this agency has better expertise than anyone to explain that.

Second, with the exception of its actions since this February, which signaled, I think, a new and progressive interest on the part of the FCC in this area, for the past decade or so enforcement efforts at the FCC have been relatively weak in the opinion of virtually all of the civil rights organizations who participate before the FCC.

For example, in 1988, the D.C. circuit in a case called *Beaumont NAACP v. FCC* encouraged the Commission, in instances where its investigations of discrimination or affirmative action complaints had reached an impasse, and all of the paper that was submitted by the licensees was the only information available and there appeared to be inconsistencies, that in order to get to the bottom of these inconsistencies and determine whether there might be discrimination, it would be necessary for the FCC staff to do the sort of law enforcement investigations that are commonly done elsewhere, interviewing witnesses such as minorities that had not been hired or had been terminated, or interviewing the licensees' general managers. Regrettably, that is seldom done, although in fairness to the FCC I will say that in the cable television area the Commission, on its own motion, has begun to do this, and that certainly is an area which, in addition to the subject of today's hearings, is ripe for remedial action.

The third reason I think the involvement of this Commission is important is that to a certain extent the FCC has been stuck back about 20 years ago, if you look at the course of the civil rights movement

in which it has been regulated. Virtually everything the FCC has done in broadcast EEO is focused on getting people in the door in the entry-level positions; that is, recruitment and hiring. However, the EEO rule since 1971 has spoken also to promotion, retention, training, working conditions, compensation, and termination. In virtually every other area of civil rights enforcement, those types of areas or their corollaries, in the context of voting rights or housing, have constituted a second wave of enforcement, except at the FCC. Indeed, many of the comments filed by broadcasters in the FCC's EEO inquiry urged the FCC not to begin to get into this question of promoting and affording equal opportunity to those who the first wave of enforcement has been instrumental in helping to get in the door.

We heard some testimony earlier this morning from network people which I thought was illuminating because, to be very candid, the networks are not the worst violators. In fact, the networks, in fairness to them, have, in fact, taken the lead above many of the station groups. There are some station groups, such as Group W and Gannett, that are outstanding in this area. Some other ones are not. But I think it is illuminating, and I have a handout that Mr. Rivera has copies of, in which we looked at four networks' O&Os [owned and operated stations].

Now those are regulated stations, these are not the headquarters where the FCC doesn't have license renewal authority. It is interesting that for these NBC, CBS, and Cap Cities ABC Broadcast Group local stations, while we did the math in such a way that you are really comparing apples and apples in these groups, there are wide variations. None of them are really what you could consider very troubling, although there is obviously work to be done in all of them, but wide variations, and that is characteristic of the fact that in the broadcast industry some companies are much more aggressive in working with the same tools in equal employment enforcement than are others.

Consequently, there is much to be done in making the broadcast industry one of the first as a leader in opinion molding and an example for the rest of the country to achieve equal employment opportunity. The goal of the national civil rights organizations that the Minority Media and Telecommunications Council works with is that perhaps in the next 10 years, if the FCC stays the course and positive voices such as this Commission's are heard, discrimination in broadcasting can go the

same way as discrimination in public accommodations; that is, it will become very rare; it will cease to become normative and acceptable behavior and can become a relic of the remainder of the 20th century.

Thanks very much.

Vice Chairperson Reynoso. Thank you very much.

I am told that the ground rules actually are that we would ask you folks to summarize your testimony, about 5 minutes or so, and then ask questions. If that is true, we will be able to go on to the other two witnesses and still have a few minutes while you are here, Mr. Honig, and maybe the Commissioners can direct their questions first at you.

With that, why don't I call Mr. Porter then.

Mr. Porter. Thank you, Mr. Chairman, Commissioners. It is pleasure for me to be here today to share with you the policy views of the FCC in this important area of equal employment opportunity.

I have to tell you, this is a first for me. I happen to be a lawyer and the posture of trying to present anything in 10 minutes is virtually impossible, and 5 minutes is absolutely impossible. So while I am not sure I can give you a full flavor of the Commission's policies within those time constraints, I will do my best.

Commissioner Wang. If the judge says it, you will have to do it.

[Laughter.]

Mr. Porter. It is well settled in FCC jurisprudence that our mandate, our public interest mandate, is not a broad license to promote the general welfare. However, we do examine the EEO practices of our licensees as an outgrowth of licensee obligations to serve their communities, which includes women and minorities, and to the extent that licensee practices raise questions about licensee character qualifications.

I should hasten to point out that the FCC does not have program content requirements which are imposed on its licensees. Our EEO rules are divided into two parts. Part One consists of a prohibition against actual discrimination. Part Two is more of an affirmative action requirement which compels licensees to engage in a continuing program of EEO in its hiring, promotion, and various practices.

We look at reports that are filed on an annual basis by licensees. These are called 395 reports. These reports contain profiles of the stations and full-

time positions principally. We look at what we call the upper four categories in these reports, and the upper four categories include officials and managers as one category, professionals as a second category, technicians as a third category, and sales workers as a fourth category. We do not have any specific requirements for job positions within categories, so we do not attempt to break down officials and managers or professionals. We, instead, look only at the top four categories if we are talking about commercial stations. Of course, if we are talking about noncommercial stations, you don't have sales workers; you just have the three categories of officials and managers, professionals, and technicians.

In addition to the upper four positions, we also look at the overall profile reflected for all employees. Our particular emphasis is with the employment of women, overall, as reflected on these annual 395 reports, and women in the upper four job categories that I mentioned a moment ago. In addition, we are concerned with the same categories for minorities. For minorities, we are particularly concerned with blacks, Hispanics, Asian-Pacific Islanders, and American Indians.

Television stations are granted licenses for 5-year periods, after which they must come to the FCC for renewal. Radio stations are granted licenses for 7-year periods after which they must come to us for renewal. If we review those licenses at renewal time and determine that we have problems with EEO, we have a number of options that we can pursue. One, we can find, obviously, after review and analysis that there is no problem, and we can renew the license unconditionally for a similar period of time, 5 years for TV and 7 years for radio. If, however, we have a problem, we can impose reporting conditions on a licensee and, basically, that is a requirement that for a 3-year period on an annual basis a licensee must come back to us and give us information about the total number of hires for that 12-month period broken down by information that shows us applicants that were women and applicants that were minorities, interviewees, hires, etc. They must give us that information for 3 consecutive years.

In addition, if the problem is more severe, we can impose a monetary forfeiture. The monetary forfeiture can be up to the statutory limit of \$250,000. The assessment of a forfeiture can be in combination with reporting conditions and almost always is. If the problem is a little bit more severe, we can grant a short-term renewal—instead of

granting a 7-year license for radio, for example, we could grant a 3-year license. Short-term renewals are almost always accompanied by monetary forfeitures and reporting conditions.

In the most severe cases, we can designate the renewal application for a trial type hearing before an administrative law judge to determine whether or not the licensee has the basic qualifications to retain the license. As a result of a trial, the license can either be taken away or the license can be granted with a monetary forfeiture or on a short-term basis.

Historically, the ultimate sanction is rarely imposed. In the past 5 years, if memory serves me correct, I believe we have designated three cases for hearing on EEO grounds, one of which is still current. The other two, I believe, were resolved without taking the license away. There was a settlement, and I believe they both had a monetary forfeiture. I don't remember the amount, and at least one had a short-term renewal imposed.

Approximately 95 percent of all of our licensees, and we have somewhere in the neighborhood of 13,000 licensees, received renewals without sanctions. Approximately 3 percent received renewals with reporting conditions, and the other 2 percent either received forfeitures and/or short-term renewals.

The basis of our EEO enforcement program today cannot be fully understood without appreciating where we were prior to 1987. Prior to 1987, we had looked at one essential criterion, and if that criterion was met, then the license was granted unconditionally and there was a presumption that the licensee complied with our EEO requirements.

We looked at the profile of the station, and we looked at the percentage of minorities and women at the station. We compared that information with the percentage of women and minorities in the work force, and if women and minorities were employed at 50 percent, at least 50 percent, of their representations in the work force, then there was a presumption that that licensee was in compliance with our EEO requirement and the license was granted. In situations where petition to deny was filed against the license, that presumption did not operate.

In 1987, we changed all of that. We were concerned about the standard for two reasons. One, it tended to be a quota. Licensees tended to look at the standard and say, if we have to hire one minority or one female to meet their percentage guidelines, then we are okay. We are going to have our presumption, and we can do whatever we want to

presumption, and we can do whatever we want to with regard to the hires for the remaining positions. So it tended to be looked at as a quota. It was never intended to be a quota. It was intended to be a processing guideline that permitted the staff to grant a certain number of renewals without having to go to the full Commission, but it tended to be viewed as a quota.

The second concern was not enough attention was paid to all of the hires that the licensee had from the standpoint of the Commission. So in 1987 we adopted an efforts test. The efforts test eliminated the presumption and resulted in us looking at a number of new factors. First, we looked at all of the hires that the licensee had for a given period of time, and we told the licensee that it had to engage in efforts to recruit women and minorities whenever a job vacancy occurred.

In recruiting for women and minorities whenever a job vacancy occurred, we informed the licensees that we would look at a number of factors. Obviously, we would look at the number of hires. We would also look at the extent to which women and minorities were included in the applicant pool for all of these positions. We would look at the extent to which women and minorities were included in the interview pool for all of these positions.

Vice Chairperson Reynoso. Mr. Porter, let me interrupt you only to say that you were absolutely right.

Mr. Porter. I knew that.

Vice Chairperson Reynoso. It has been 10 minutes, and you are not finished yet.

Mr. Porter. I haven't even started.

Vice Chairperson Reynoso. Let me interrupt, if I might, because we will have more time with you than Mr. Honig, and we will pick up in the question and answer period after chatting with Mr. Honig with you in terms of your present policies, which is where you were, and then you can add anything that you want to at that point. But just to keep to our timing, I thought I would call up Dr. Lichter to give us his summary, and maybe we have time to ask some questions before Mr. Honig has to leave, and then we will ask questions of the rest of you, including picking up, Mr. Porter, where you were. Is that okay?

Mr. Porter. That's fine.

Vice Chairperson Reynoso. Doctor.

Dr. Lichter. Thank you. It is a little daunting to be here amidst all of this expertise on the topic.

I am not a network representative. I don't work for a Federal agency. I don't even have a law degree.

Vice Chairperson Reynoso. Good grief.

[Laughter.]

Dr. Lichter. On the other hand, that means it may be easier for me to stick to the 5-minute limit since my expertise is less in area. I am a political scientist. I do scientific content analysis of public affairs content in news and entertainment media.

You have an example of a newsletter my organization, the Center for Media and Public Affairs, puts out, recapping some aspects of the major network schedules in the last year. You find a variety of interesting things when you do what I do. For example, you find that one out of every six jokes told by Jay Leno and David Letterman last year concerned Bill Clinton.

On a more serious note, we found that coverage of crime doubled last year on the network evening news shows, even though the actual crime rate didn't double, and I think that had serious implications for public opinion and public policy.

What we also looked at along these lines was the minority representation in reporting the news so that you had network representatives earlier talking about employment records, hiring, and I would argue that outputs are just as important as inputs here. That is to say, if we look at the networks as black boxes in which people go, and then inside this box they rattle around and there are diversity training programs and seminars and various things happen, ultimately something comes out of the box, some reporters get on the air and some don't. In fact, of course, in this business the proof in the pudding is in the viewing, not so much who is hired but who gets the air time.

As you will see on page 5 of my little newsletter, we have been tracking this for a number of years. The blue section refers to the portion of minority reporters and anchors together. Out of all reporters who report stories or anchor stories on the flagship evening newscasts for ABC, CBS, and NBC, and then on page 3 and 4 we actually list the reporters and anchors who filed the most stories on each network by race and sex.

What you find is some good news. There has been gradual, albeit slow, increase in minority representation from 7 percent in 1990 gradually up to 12 percent in 1993. I think the bad news at the same time is, of course, not only that the increase is slow, but that it is really based on a few big stars. If you take a look at the top 50 reporters in terms of the

number of stories reported, and the 50 basically means everybody who did more than about one story a week, you find two African Americans, Vicki Mabrey, in the 20th spot and Bill Whitaker, in the 26th spot; one Hispanic, Giselle Fernandez, in the 25th spot; and everybody else is white in the top 50.*

Beyond that, we broke this out, although I don't think it is listed. It may be listed somewhat in the text, but we just did run in the computer some network differences because it was interesting to me that all three network representatives have stories of progress and concern. We found quite different profiles on the three networks in terms of outcomes. Consistently over the past several years, CBS had by far the most minority representation in terms of actual stories reported and NBC the lowest.

For example, the lady from NBC mentioned that in the past decade the network has gone from 7 percent to 20 percent of correspondents hired belonging to minority groups but, in fact, we have been tracking for the last 5 years to see who actually reports the stories on their flagship program and the proportion of stories reported by minorities have bounced up and down between 2 and 5 percent, in the last year dropping from 5 to 4 percent. Meanwhile, CBS in the same time period has gone to 28 percent minority representation in 1993, doubling the proportion in the past 2 years.

So I think you get a different picture when you look at outputs than you do when you look at inputs and good intentions. I would be happy to leave it there and respond to comments later.

Vice Chairperson Reynoso. Very good, that is very helpful.

As indicated earlier, I think even though Mr. Porter still has some substantive matters to share with us, I wonder if we have some questions for Mr. Honig before he has to leave from my fellow Commissioners?

I have a question. What do you think needs to be done, and your focus has been on the FCC, what would you recommend that the FCC do to encourage the television and radio stations to do better?

Obviously, since 1987 at least, they have gotten more involved, but to a large extent the FCC has taken rather a laissez faire approach, it seems to me.

* The chart also showed 12 of the top 50 reporters were women, including the number one on-air reporter.

Am I misinterpreting it from what I know and what I have heard today? What would be your recommendation?

Mr. Honig. No, I think that is accurate. If you are speaking of the network news departments, those are not the subject of direct regulation. The FCC has collected data since 1971 on the network headquarters and published that data, but it hasn't used that data to regulate and has rejected proposals of civil rights organizations to link EEO performance at network headquarters with the performance of the owned and operated stations when they come up for license renewal. That certainly is one very obvious thing that the FCC could do. But it certainly should not be the only thing they can do.

To the extent that the FCC has special expertise, it wouldn't be inappropriate to do the sorts of things which don't involve direct regulation but nonetheless do involve holding individuals to a gentle but firm standard of accountability such as the hearing that you are holding here today.

Vice Chairperson Reynoso. Beyond that, it has at least been my experience that it is not just what government agencies do but what institutions themselves want to do, and I was just interested this morning in the testimony of the increase of females and there has been no direct pressure on the news departments, but I think that society itself has changed in encouraging more females to graduate from college, to get the training that they need to go into the work place, and the national television networks have responded. But how would you capsulize what you think may be the stations have done—particularly the local stations, because they apparently seem to be more of a problem in terms of EEO matters than the national. So do you have some thoughts or suggestions along those lines?

Mr. Honig. The case of women is fascinating because historically women have tended in this country to be relegated to certain occupations that are considered acceptable, such as nursing and teaching. In about the middle 1970s, I think broadcasting suddenly became, for reasons having nothing to do with the FCC or little to do with the FCC, such a category.

I began teaching communications research at Howard University in 1975 and I taught until 1985. The very first class I had, there were, I believe, two or three women out of over 20 students. The very last class I had in 1985 was all women out of 25 students. There was one man, but he dropped out the

first day. He was intimidated being around so many women. Now they have graduated and, of course, this shows that this was a pool of individuals who were there and just as able and willing and interested 20 or 30 years ago; what happened to their career opportunities? So, the same can obviously be said for other protected groups.

Vice Chairperson Reynoso. Very good.

Further questions?

[No response.]

Vice Chairperson Reynoso. If not, Mr. Honig, thank you. You don't have to leave, but thank you very much. We really appreciate it.

I want to pick up on Mr. Porter because he wasn't quite finished with his statement of what the current policies are at the FCC that, of course, you would be very interested in.

Mr. Honig. Thank you.

Mr. Porter. Thank you, Mr. Chairman. I will try to be as brief as I can.

I was talking about the different criteria that we look at to assess whether or not licensees engaged in sufficient efforts to warrant an unconditional renewal, and I talked about the fact that we looked at all of the vacancies, we look at the referrals, the applicant pools, the interview pools. I was about to say that where we find deficiencies in the interview pool and the applicant pool—that is, a small number of women and minorities in such pools—then we look to see which sources the licensee went to try to attract women and minorities, and there we look to see if the licensee went to sources that are tied to the minority community, that are most likely to produce results, and the extent and the number of such sources that the licensee contacted.

We obviously look at the extent to which women and minorities are hired. We look at the extent to which the licensee engaged in what we call self-assessment. Self-assessment would require that a licensee discovering that few women and minorities are contained in the applicant interview pools would make certain adjustments. The adjustments would include adding new sources and whatever else a licensee feels is necessary in order to attract adequate numbers of women and minorities in the pool.

We also look at the 395 reports, the annual reports, to see how women and minorities fare on an annual basis for a 7-year period for radio and a 5-year period for TV. All of these areas are looked at as a part of the licensee's overall efforts, and we

make an assessment as to what, if any, sanctions we think should apply.

As a general rule, in radio and television, we do an EEO analysis only at renewal time. The one exception is a relatively recent exception, and it is a result of legislation by Congress which requires us to engage in midterm EEO reviews for television stations. We started that process in April and it is now continuing. However, the examination is limited to the same type of factors that we looked at prior to 1978 because that is the type of information that the legislative history directed us to, and that is the extent to which women and minorities are employed at stations, the percentages in the labor force, and the extent to which that relates to a percentage of parity in the labor force.

When we look at minorities, we look at two things. We look at the dominant minority in the labor force, and significant minorities in the labor force. If you are talking about a city such as Los Angeles or New York City, we would be looking at probably blacks, Hispanics, and Asians; in some cases Hispanics might be the dominant minority; in some cases blacks would be the dominant minority. In all cases, minorities would be equal to at least 6 percent of the work force.

We tell licensees that while our primary focus is on the dominant minority, a licensee cannot expect to get an unconditional renewal if it ignores significantly represented minorities that are not dominant. In fact, in the last several months, we have had a number of cases where we have sanctioned licensees that paid a great deal of attention to the dominant minority and, in some cases, the second minority that was represented in significant numbers but did not pay attention to other significantly represented minorities.

One thing that I think is very significant is what is happening now that is not too well known because it is in its infancy stage. I am sorry to see that there is no one here from the National Association of Broadcasters because they are very much a part of what is going on now. There are regional seminars being conducted at various places around the country. I happened to know this because I have participated in almost all of them. As you may know, broadcasters have annual conventions on a regular basis, and there are 50 of those, so there is an opportunity to have interchange almost on a weekly basis.

At these seminars, panels are being set up in a manner that is totally unprecedented. There isn't just a panel to discuss what the EEO requirements are,

although there is a panel on that; there is also a panel which identifies minority sources and female sources in the community where we are speaking. We have one in Virginia that accounted for Virginia, Maryland, and D.C. There was one in West Virginia. Local individuals representing local sources are identified to participate in panels with the broadcasters, and that is significant because the broadcasters who attend these conventions are the ones who do the hiring and firing. They are the ones who make the decisions. This is the top brass of the broadcasting industry. There is also an effort made to bring in individuals that might be interested in employment in the broadcasting industry.

Another thing that we are seeing that is unique is broadcasters are starting to think of a much more aggressive posture in obtaining women and minority applicants. They are starting to think of ways to work together to identify sources. They are starting to either initiate job fairs or identify job fairs around the country such as the Unity Conference that is coming up, and making sure that they are represented at those job fairs.

The broadcasters are starting to develop ways to work with colleges to identify college students that might be interested in obtaining jobs. They are starting to identify nontraditional sources, such as the LYNX, which is a professional black organization that not many people know about and not many professional broadcasters know about. They are thinking about minority Greek service organizations that will tie them to professionals around the country. There is a lot of creative thought being done now as to how to increase the pool of women and minorities, but, as I said, it is only in its infancy stage. We have only had about six or seven of these conventions, but given the response that I have seen from broadcasters, which has been very positive, I think it is a wave of the future.

Thank you very much, Mr. Chairman, and Commissioners.

Vice Chairperson Reynoso. Very good. Thank you.

Connie?

Commissioner Horner. I have a question for Mr. Porter. You may not know this precisely, but you may know it generally; what is the median size of the work force of a licensee, radio or TV or both?

Mr. Porter. Well, Commissioner, as you can well imagine with over 13,000 licensees, it varies all over the lot. You have small broadcasters, and those

tend to be broadcasters that have 10 or less employees, and then you have broadcasters with employees of 10 to 30, which would be medium size, and then all over that tend to be the larger size. I can't tell you how many fit into each category except that given the overall numbers we have, you have a fair representation in each category.

Commissioner Horner. I guess the reason I am asking is, as I listen to you talk about a licensee needing to accommodate representation of the dominant minority and then also subcategories of minority, I am thinking of a radio or TV station that might employ eight people—isn't that a typical size station, or is a typical size station 25 or 50? I mean I know there are 13,000 of them, but what is the picture we should have in our mind?

Mr. Porter. I am not sure. I can tell you eight is not average for television stations; that is way too small. Television stations tend to be much larger than that, especially VHF television stations. I don't want to give you something off the top of my head. Our focus is not on hires per se. You, in fact, can get an unconditional renewal and have hires which are not in proportion to the representation in the labor force. You can also get a sanction when you do have hires that are in representation to the labor force because we might determine that your efforts with regard to other positions was inadequate. So it is an efforts equation; it is not a hires equation.

Vice Chairperson Reynoso. Commissioner George?

Commissioner George. Dr. Lichter, if I understand the polling data correctly, something between 40 and 50 percent of the American public in general regularly attend church or religious services and the large percentage of those are traditional religious believers. You could add to the category of traditional religious believers an additional quantum of people who don't attend church regularly. By traditional religious believers, I mean belief in a personal God, a universe-active deity, and history and the affairs of man.

But in the particular universe that I inhabit, which happens to be a university, which I think is not dissimilar demographically to the universe that you study, the media, I think that the representation of people who maintain traditional religious beliefs, whether they are Protestants, Catholics, Jews, Muslims, Buddhists, is very small. Regardless of whether I am right about the academy, am I right about the media? Could you restrict it to the elite

media—I am not talking about the paper in my home town of Star City, West Virginia.

Dr. Lichter. Sure. I was part of a research team that, about a decade ago, surveyed the major media institutions, the *Times*, the *Post*, the news magazines, and the big three network news departments and found that, as I recall, about 7 percent of journalists at these major media organizations said they attended religious services once a month or more. When asked for their religious affiliation, 50 percent said none. So relative to the general population, this is an extremely secular subgroup. There is controversy over this as to how far this extends nationwide, but I don't think anybody would question that the major media is a very secular milieu.

ABC is to be credited with hiring a religion editor. That was very newsworthy because, to my knowledge, that was the first time in their history that any of the big three networks had specifically created a religion beat, which is one of the reasons that news coverage of religion takes on a political cast because reporters tend to see things through the prism of politics, and it is usually political reporters reporting a religious story when the sphere of religion ventures into the sphere of politics.

Commissioner George. Am I correct in supposing that—as I think the *Times-Mirrors* poll that I see on the bottom right-hand section of the editorial page of the *New York Times* sometimes has it—if we divide into secular and religious, that the secular belief tends to correlate with more liberal political beliefs on social and moral issues, and that religious belief tends to correlate more highly with more conservative or traditional views about morality and culture.

Dr. Lichter. Certainly especially on a lot of morally charged issues that have become political lightning rods recently, abortion, gay rights, things like that, religion is a really key variable in separating people out into the liberal and conservative positions.

Commissioner George. And did you concur with Ms. Gilliam's view as expressed to us that the media—the major media—have a very significant impact on the shaping of issues and opinion and consciousness in the United States?

Dr. Lichter. Sure. I would have to go into another profession if I didn't.

Commissioner George. Well, do you have any sense that the underrepresentation of religious people

in the media correlates in any way with a bias on highly charged issues where there tends to be high correlations depending on religious belief?

Dr. Lichter. We are getting back to the way that there is direct polling data showing that on these issues, abortion rights, gay rights, things like this, people in major media organizations tend to be overwhelmingly liberal, progressive, whatever, and I am sure if we crossed that against religiosity you can find there is a high correlation that the relatively few religious reporters in these organizations probably would be among the few who are more conservative. You are talking about 80 percent support for gay rights, 90 percent support for very strong liberal abortion rights.

You always have to differentiate between what reporters believe and how they report a story, of course. Their attitudes are only one thing that goes into reporting a story; their professionalism of trying to show both sides' support is another. So that is why it is important to do content analysis that can study the output.

But I think it is safe to say—and I know a lot of journalists would probably agree—that the elite media in this country have had a tin ear to religion and to, I think, the religious perspectives on a lot of these cutting issues that journalists tend to view in terms of political equality or discrimination such as with homosexual rights, and not to really understand, or empathize with, religious perspectives on these issues. I know people like that.

Commissioner George. But would it be possible to remedy that situation without bringing into the actual affairs of the media, both on air and behind the scenes in the decisionmaking roles, significant numbers of people who are religious? Isn't the history of discrimination both here and elsewhere, one that teaches us that people will tend to replicate themselves in positions of authority unless some sort of a conscious effort is made to recognize that people, other people, are being excluded?

Dr. Lichter. Well, certainly the entire logic that is applied to diversity efforts in terms of race and gender should be equally applicable in terms of religion. If you are talking about something that is, for most people, extremely central to their lives, their conceptions of their existence, and often is a matter of something you are born into, I think the same conclusion applies. That is, if these people remain what sociologists like to call the other—someone *terra incognita*—then you are unlikely to see them working

their way up through an organization until they become more familiar or more ordinary to the other people in that organization. That is the same thing that African Americans, Hispanics, women, and so forth have gone through.

Commissioner George. But is it your sense, as it is mine, that even people who are very sensitive to the problem of diversity and are working on it, don't seem to see the fact that secular people predominate and religious people are largely excluded as part of the problem—not that if it is pointed out to them they would disagree—but it just doesn't seem to be in the forefront of consciousness. It doesn't seem to be treated as an issue in diversity, even among people who are in roles that give them responsibility for promoting diversity within their organizations.

Dr. Lichter. That is because it took the civil rights movement decades to get people, get white people, to view this whole enterprise as something that wasn't somebody else's problem, and that they had to address in their lives everyday, and I think religiously oriented groups are just beginning to break into public discourse at the elite level on this. So I think journalists don't really see this, or if you point this out would say, oh, yes, that is probably true. But I am sure that you are more likely to stumble over a Marxist in a sociology department than you are a fundamentalist Christian in a newsroom in America today.

Commissioner George. I wonder if you have any data that would attempt to show that religious people are actually discriminated against as opposed to simply not being included through a set of processes that don't include active discrimination? Do you suppose that people are, in fact, in any significant numbers, when it is discovered that they harbor traditional religious sentiments, that that counts against them in hiring and promotion?

Dr. Lichter. Well, I have the same kind of anecdotal evidence on that—

Commissioner George. But nothing beyond the anecdotal evidence. I suppose it is just very hard, as it is with many forms of discrimination, very hard to—

Dr. Lichter. That is always the problem. If somebody says, I just don't feel comfortable with that person, it is because that person has a different background, and so forth, and you may see that as having nothing to do with some demographic characteristic, where the other person sees that as central to their existence. Again, this is an extension

of the entire logic of social relations and discrimination we were talking about in relation to race and gender.

Commissioner George. If one of your undergraduates—and this is my final question, Mr. Chairman—if one of my undergraduates was aspiring—

Vice Chairperson Reynoso. I can recognize leading questions when I hear them.

Commissioner George. This is my final question.

If one of my undergraduates were interested in a career in journalism and wanted to go all the way to the top, let's say in television or something like that, and he was submitting a resume to get in the door, and among his various activities are the lacrosse team and did some work for one of the social welfare groups on campus and so forth, but also happened to be a member of the Evangelical Christian Fellowship, would I do well to advise him not to call that to the attention of readers of his resume that that might be something better left off?

Dr. Lichter. Are you asking for my personal opinion rather than—

Commissioner George. Yes, how would you advise your undergraduate?

Dr. Lichter. I would say leave it off, just as 20 years ago, if you were a member of a gay rights organization I would have said leave it off.

Commissioner George. Thank you, Mr. Chairman.

Vice Chairperson Reynoso. Thank you very much.

Commissioner Wang. Mr. Porter, a couple of questions for you. You mentioned about the annual and the biannual reports, in what forum do you publicize these, after you give the score card to all the hundreds of thousands of stations?

Mr. Porter. Of course, the individual reports are a matter of public record; anyone can look at them. But on an annual basis, we put out what we call a trend report, which sets forth information for all stations in the form of a percentage and a number of minorities in each of the upper four job categories and overall. We have a chart so that you can track the progress or lack of progress on an annual basis, and we do the same thing for the cable industry, and we publish this or we make it available to all of our licensees, to the press, and anyone else that is interested in it.

Commissioner Wang. Could we be included in the receiving of those reports?

Mr. Porter. Certainly. I was about to say that I would imagine in the next 2 weeks we will be putting out the 1993 trend report, so I will make a note to make sure that you are included.

Commissioner Wang. I was curious to find out, I know that there was some discussion over this issue of Howard Stern. Where does that stand now?

Mr. Porter. It stands in somewhat of an ongoing posture. We have assessed a number of monetary sanctions against the licensee for violation of our indecency requirements. Some of those are in the process of being litigated. Whenever we get a complaint from a member of the public that involves one of his broadcasts, we go through the process all over again. I don't believe any of the fines have actually been paid; I think they are all being challenged. So we are at the stage according to our regulatory process of enforcing our indecency standards.

If I may, with the indulgence of the Chair, make one comment that might be of interest to Commissioner George. We received a number of complaints from licensees with regard to discrimination either in the form of petitions to deny or petitions; it is relatively rare that we will receive complaints on the grounds of religious discrimination. We do get them on the grounds of sex discrimination; we do get them on the grounds of discrimination against minorities. Occasionally, we will get some that relate to religious discrimination, but it is not extensive.

Commissioner Wang. In your most recent publication you have four categories of minority that are being protected, but in your most recent proposal of hiring ownership of stations, you only limited it to blacks and Latinos. I was just wondering why.

Mr. Porter. I am not sure I know what you are referring to.

Commissioner Wang. This is just about this past month that you have issued an RFP for acquiring radio stations, and you only limit it to blacks and Latinos.

Mr. Porter. Was this a renewal proceeding?

Commissioner Wang. No, this is either a renewal or a new requirement.

Mr. Porter. We, on a regular basis, issue cases that deal with specific renewal situations, and it is quite conceivable that the community involved had blacks and Hispanics as the only groups that were

either dominant or significant. That is the only reason I could think of, focusing only on those two, if it is in the context of a renewal case. The only other orders that we have put in on EEO is a generic order seeking comments on how our policies are working and what changes should be made in preparation for an October 5 report to Congress on EEO, but I don't know of any report where we just focus on—

Commissioner Wang. I don't have the document in front of me, but I will send it to you for your review.

Mr. Porter. All right. Once I receive and review that, I will be happy to respond to you.

Commissioner Wang. Thank you.

Vice Chairperson Reynoso. I think Commissioner Anderson had a question.

Commissioner Anderson. Thank you.

I was going to ask Mr. Porter, as a followup to the exchange between Dr. Lichter and Commissioner George about this potential for religious discrimination. We heard the executive from NBC talk at some length about the efforts at that network for diversity and diversity training and sensitivity and, of course, the hiring is oriented toward a certain type of diversity. Do you think that including religion in that is something that makes sense or is something that is possible?

Mr. Porter. I think on a subject like that we at the FCC have to take our guidance from Congress. I think that's a decision that has to be made legislatively, and I think it is instructive to note that in recent years when Congress has had an opportunity to address areas like that, it has chosen not to include that or other categories as a part of protected groups. Recently Congress passed legislation which gave us fairly extensive jurisdiction in the cable area, and one of the parts of the statute dealt with EEO and essentially Congress codified the protected groups that we had.

In more distant years Congress has passed legislation dealing with a service which we call low-power television where the Congress paid deference to the types of groups that we currently protect but chose not to extend those protected groups to include religious and other groups. In many of these instances if you look at the legislative history you will find that there is discussion about including these groups and actual proposals by some Congressmen to include these groups, but in the wisdom of Congress the ultimate legislation decided that they should not

be included. So I would say that that is the type of decision that needs to be legislatively mandated, and until Congress decides that that is an appropriate action, at least at the FCC, I think our responsibility is just to focus on the ones that have received such approval.

Commissioner Anderson. You did say, though, you do receive some complaints about religious discrimination. Now those are within your purview or those are not.

Mr. Porter. The answer is yes, it is within our purview but in a slightly different context.

We permit licensees to hire individuals, principally at stations that have religious formats—as a matter of fact I don't think it has ever come up in any other context—to hire, let's say, a program director who happens to be of a certain religion on the grounds that there is a nexus that has been tied to that position and furthering the programming objective of that station, and in fact the courts have upheld the fact that that is an appropriate distinction.

In some instances we get complaints that there is discrimination that relates to that type of process. In some instances we also get complaints just alleging outright discrimination in hiring and those we don't have within our jurisdiction.

But my comment really encompassed both types of complaints that are received. If you add both of them together, they are still very small compared to the total number of other complaints that we get.

Commissioner Anderson. If someone were to come to you and say, "I was discriminated against by NBC News because of my religion," that would or would not be—

Mr. Porter. I would like to give you two answers to that. Like networks and not licensees—licensees and only licensees are regulated. NBC is not a licensee. It is a network. We do regulate and license the owned and operated stations of the network, so the first answer is even if it were a protected group, it wouldn't apply to the networks, but if it were against one of the owned and operated stations and it was outside the limited context I mentioned, it would not be cognizable under our rules.

Commissioner George. I have a quick question. How do you deal with licensees whose operations are devoted to the affairs of a particular ethnic community? Do the same rules apply if it is a radio station, for example, that is concerned with black affairs and has all-black programming, or Hispanic

affairs, or it could be Croatians in a Croatian community that has its own radio station and they would want everyone involved to be Croatian?

Mr. Porter. Well, Croatian is not a protected group, but as to protected groups there are no stations that are exempted from the EEO rules. That's the best way I can answer the question.

Vice Chairperson Reynoso. Commissioner Redenbaugh.

Commissioner Redenbaugh. If I could do a followup question, what about the stations that are owned by religious groups and whose purpose is religious in nature? What are the standards that you apply in those circumstances?

Mr. Porter. There is some greater flexibility where we are able to determine that there is a nexus between certain positions and the religion and the programming objective for the station.

Let me give you an example—I have to be very careful about this because I have two cases that are pending involving religious organizations and I don't want to name one of those—let's say the licensee is a Baptist organization and the programming format of the station is purely religious and let's say it's all Baptist theology. This one doesn't work as well. If the station wanted to hire a program director who is responsible for all of the programming at the station and it wanted to limit that person to someone who was a Baptist, that would be permissible under our rules. But let's say that they also wanted to hire someone who was Baptist to be the business manager. There is no correlation, no necessary correlation between business manager and theology, so that would be a violation.

Commissioner Redenbaugh. Well, at least not in the case of Baptists anyway.

[Laughter.]

Vice Chairperson Reynoso. Other questions?

Commissioner Horner. I'm reluctant to introduce a whole new subject so if this would take a protracted discussion, maybe we better just move on to the next panelists, but in preparation for this hearing last night I read some *New York Times* articles on a subject colloquially referred to in the *New York Times* as "fronting," a process by which, under FCC rules or statute, there is forgiveness of taxation on the capital gains when a station is sold if it is sold to a minority-controlled organization.

This was designed by Congress and/or the FCC to encourage minority ownership but which has reportedly, according to the *Times*, been perverted

into a corrupt practice, which is the minority control represents a very small portion of actual financial investment in the purchased station, and then in a short period of time the minority sells out his or her share to the racial or ethnic majority for a very large sum, disproportionate to the amount invested, and leaves and presumably then repeats the practice. In other words, a minority in effect sells his or her presence to the government in order to get tax breaks for what is a white majority. Do you have anything to say on that characterization?

Mr. Porter. In a short period of time?

[Laughter.]

Commissioner Horner. Fair enough. I don't want to protract this. I know it is getting very late and people are waiting. We can do it perhaps another day.

Mr. Porter. I would be happy to—I can't do it in a short period of time.

Commissioner Horner. Fair enough.

Mr. Porter. That's a whole different area.

Commissioner Horner. I understand that—without prejudice, to be continued.

Vice Chairperson Reynoso. Right. Further short questions?

[No response.]

Vice Chairperson Reynoso. If not, again, as both of you can see, and Mr. Honig who left and I think we didn't ask further questions for Mr. Honig only because we knew he had to leave, that the interest was very high indeed in this whole area. Perhaps you were here and heard the previous panel so I just want to thank both of you and as indicated by Commissioner Horner maybe we can revisit some of the more detailed issues in the future so we don't keep people waiting and are able therefore to get more into detail. So, thank you very much.

Mr. Porter. You're welcome.

Vice Chairperson Reynoso. We have a third panel and my apologies to the third panel if you were not apprised that we would operate in this fashion—Ms. Zita Arocha, Mr. David Bartlett, and Ms. Dinah Eng.

Again I'll introduce you for the record. Ms. Arocha is the executive director of the National Association of Hispanic Journalists, which represents 1,700 Latino journalists across the country. She is a bilingual journalist with 18 years' experience in the newsrooms of daily newspapers including the *Miami Herald* and the *Washington Post*.

Mr. Bartlett has been the president and chief operating officer of Radio-Television News Directors Association [RTNDA] since 1989. Prior to that he served as vice president of News and Programming for the NBC Radio Network, and as managing editor of Metromedia Television News.

Ms. Eng is the first nationally syndicated Asian American columnist. In addition to her weekly column, "Bridges," she works as a special sections editor for the Gannett News Service and runs the internship program there. She serves on the national board of the Asian American Journalists Association.

I would like to call on Ms. Arocha to start our discussion, and as I understand it again, we give about a 5-minute summary and then we ask questions. Thank you very much for coming.

Ms. Arocha. I want to thank the Commission for giving me the opportunity to speak to you today. The images on the three network news programs were startling, disturbing, and highly inaccurate. There were the faces of hundreds of black men and women looting stores and businesses in east Los Angeles. Largely missing from the news shows during the inner-city disturbance a little over a year ago was the true story of east Los Angeles, a low income neighborhood of African American, Hispanic, and Asian immigrants filled with racial and ethnic tension. Largely ignored until days after the area had quieted down was the long-simmering conflict between Asian merchants and black residents.

Barely covered by the network news media was the story of how legal Hispanic residents during and after the disturbance were stopped and detained by police and immigration authorities intent on deporting illegal immigrants. Also missing from the coverage was the fact that Hispanics also had participated in the looting and the destruction.

In fact, the networks had failed miserably in portraying the reality of east Los Angeles and the many causes that had contributed to the Los Angeles riots. The sort of one-dimensional news reporting is but one indication of what is seriously wrong with network news. As I watched those images unfolding on the TV screen I thought to myself, Where are the Hispanic and Asian news directors, reporters and anchors who could help shed light on the multiethnic, multiracial aspects of the news story?—certainly not on ABC, CBS, or NBC nightly news.

Let me share some statistics with you. They come from an annual survey of minorities in broadcast news media by Vernon Stone, which was

also referred to earlier today by Dorothy Gilliam. He is a professor of journalism at the University of Missouri, and the findings in his survey have been reported by my association in a report we do annually called "Hispanics in the News Media." I have brought a copy today to share with you.

In 1992 there were 1,430 Hispanics working in television news, about 6 percent of the total work force. Over the last 16 years the number of Hispanics in television news has increased about 3 percentage points from 3 to 6 percent. In 1981 there were four Hispanic TV news directors. In 1992 there were 31.

Hispanics are much better represented among independent television stations than among network affiliates, and this is largely due to the fact that many work for Spanish language stations affiliated with Telemundo and Univision. In 1992 Hispanics were about 22 percent of the work force of independent stations but only 4 percent of network affiliates.

The implications of these low numbers on the quality of news coverage is clear. When the diversity of our society isn't reflected among those collecting and reporting the news, the result is distorted and misleading reporting, as was the case in L.A. during the riots, which takes me to my association, the National Association of Hispanic Journalists.

Our mission—and one we take very, very seriously—is the need to increase the numbers of Hispanics in the news media from entry-level positions to top executive levels. Let me just refer to the very interesting newsletter that was referred to by a previous panelist, that among the top anchors in 1993, there were no Latinos and among the top 50 reporters in 1993 there was one Latino woman.

We do our work in terms of focusing on this issue in a number of ways. We have constant conversations with recruiters and top news media executives. We have job placement programs at our association and we also try a lot of quiet but persistent persuasion.

I personally believe my association must keep the industry constantly focused on the numbers, especially since even the 6 percent Hispanic representation shown in the survey I was referring to is misleading because many of those Hispanic journalists work for Spanish language media, not English language media. In reality, the number of Hispanics in English language network news is, I think, much less than the 6 percent.

To that end, my association is conducting a survey this year of the three networks and the top 25

television markets. The survey, I believe, is going to present a much truer picture of how many Latinos work for the networks and their affiliates. It's going to make a distinction between those working for Spanish language and English language television.

We intend to publicize the findings this fall, and I'm sorry that the panelists from the networks have left because I was going to tell them that we have sent them the survey, and if they don't respond, we intend to call them and ask for their response.

I would just like to leave you with one last thought. I thought it was very interesting that several of the panelists from the networks paraphrased a quote that I heard for the first time by Al Neuharth, who is the founder of *USA Today*, and his quote was, "A diverse news force is not only the right thing to do but it is the business thing to do" and in the case of *USA Today*, we found that they implemented a policy of requiring managers, to qualify for bonuses, they had to show in a black-and-white way that they indeed were considering and were recruiting minorities for all positions in the newsroom, and I think that this had a tremendous impact on the fact that *USA Today* has made a lot of progress along those lines.

I thought it was also very interesting that the network spokespeople here today kept talking about how their networks focus on promoting from within and that is really what they do, and one of the things that I think if you are truly committed to diversity you ought to be thinking about is why do you have to rely on the tried and true, old-fashioned way of doing things if it hasn't led to a diverse work force, if it hasn't led to a diverse newsroom, and I encourage the media executives who are not here to try other ways because I think there are other ways for them to reach the goal that they say that they are committed to.

The last thing I just want to say is that I think that for the networks to stay alive, especially in the current climate of global and technological competition that they have to work much, much harder than they have been working on creating a diverse news force. Thank you.

Vice Chairperson Reynoso. Thank you very much. We'll have questions later. Mr. Bartlett?

Mr. Bartlett. Thank you very much. I represent, as you said, RTNDA, the Radio-Television News Directors Association, and I should characterize what that organization is for the moment because it differs from some of the others that are represented here.

We are the professional organization of electronic journalists. We are an old organization, founded in 1946. The mission, as you would expect, is multifold but rather simple, the promotion of high quality electronic journalism. We like to say that we represent all media that don't rub off on your hands.

[Laughter.]

Mr. Bartlett. That is an important distinction, because I cannot speak for newspapers here and I cannot quote numbers for newspapers or the rest of the print press, but I will also suggest that it has another meaning and importance and that is that the media are far more diverse today than they have ever been before. It's not just radio and television. It's not just print. There are things on the horizon that are well beyond those and we have to pay attention to the impact of everything we discuss, including diversity, in that context.

We also are in the business of the promotion of free speech and the free press in general and the rights of electronic journalists in particular, an issue which brings us into conflict with the FCC on more than a few occasions, and of course public understanding of electronic journalism and the special place that it has in society.

We are a broad-based organization. We represent radio, television, broadcasting, cable, commercial and noncommercial outlets in both cases, local, and of course network, and the membership cuts across all the job categories. It is executives, producers, reporters, writers, even journalism students.

Our educational affiliate, the RTNDF [Radio-Television News Directors Foundation], is a foundation that was founded in 1967 and much of what I am going to talk today resides in that domain. I serve as president of both organizations.

The minority employment, minority women's employment research that has been referred to by a number of folks on the panel earlier was created by RTNDA and is funded by RTNDF. Dr. Stone has for many years been our research director.

For 21 years we have been tracking minority and female employment in the work force at the local level. We do not track the networks as a separate constituency, but I think it is fair to assume from what you heard from earlier people that the numbers are at least comparable or probably better at the networks than they are at local stations. Obviously you want to try to get to the network. It's a buyer's

market in that world and sometimes a seller's market at the local level.

The latest figures, which are not due to be officially released until next month in the Stone survey, show that overall minority employment in 1993, the latest survey year, stands at approximately 19 percent. That's all minorities collected together. That is up from 12 percent in the collection of categories in 1972 when we first did it. That is in television.

In radio it was 8 percent overall in 1972 and 12 percent minority employment in 1993. Another distinction I should draw is that is professional employment only. That does not count interns. It does not count clerical employees. It does not even count some of the "entry-level" positions, desk assistants and such which are so close to the cusp of clerical we don't count them.

Interestingly, approximately one-third of the employment in both television and radio, is female, but we also track management. RTNDA is not any longer limited to management in its membership but its prominence is in management. We were originally a management organization. We were that way for many years so we pay particular attention to that part of the world, and we find even today that only about 9 percent of TV newsrooms over the country are headed by minorities and only 7 percent in radio.

Now the numbers would be a little bit greater if you counted all of the management personnel, all of the influential personnel. We just took a look at news directors as a single representative position and obviously there can only be one of those per shop.

But the point is, it's lower.

A digression with respect to female employment; 16 percent of news directors in television are female, 26 percent in radio, but before we look at that as a particularly positive statistic let me point out that to a very great extent, we find that a great many of those female news directors head one-person shops. They have one employee: themselves. The reason those jobs tend to go to females is because the salaries are insufficient to support a family. These are second income positions. The incomes are so low that that is all they can be, so that statistic is misleadingly favorable.

What we found almost from the beginning, and this is the important consideration with respect to electronic journalism as differentiated from print, is that in our business there is a distinct management track which tends to be the non-air track.

Very early in your career you either go toward the air, meaning reporters and anchors, correspondents in the case of the network, or toward writers, producers, executive producers, assignment editors, assignment managers, all the other behind-the-camera or off-the-microphone positions.

Early on stations, and I don't think this should come as a surprise to anybody, encouraged minority hires, the people that they recruited from the minority communities, to go on the air. To some extent that still is the case. Now the fact that the on-air positions tended to pay many, many times what off-air positions paid, it's quite common for the news director or even the president of the News Division to make a fraction of the salary that even a second or third string anchor or reporter might make further exacerbated this problem.

And yet, as I think everybody has acknowledged today, management is who pulls the trigger, is who makes the judgments with respect to news coverage, with respect to overall approaches, with respect to assignments, and with respect to hiring.

Therefore, we decided to attack the problem of the management pipeline specifically, having recognized that there wasn't—certainly there is no pipeline problem with respect to females and not a tremendously serious one if you look at minorities overall in the work force—but a serious problem in management, what we have tried to do is figure out ways to encourage and enable minority candidates coming in at the front end of the pipeline to make the right choice, to go for management rather than just get thrown on the air to become very highly paid and rather noninfluential on-air people.

In other words, we have tried to redress the neglect of the management track. We have done this in a number of different ways. I won't bore you with the details. You can add them to the record from this: management training seminars, internship programs, a pilot program that we are getting underway—it's the second year of it, funded by McCormick Tribune.

Scholarships and fellowships—Carol Simpson from ABC has endowed one; Ed Bradley from CBS has endowed one. Some years ago the friends and colleagues of the late Michelle Clark from CBS endowed one and there are some 20 others. As a great many organizations are doing, we will be part of the Unity Conference coming up in Atlanta. RTNDF will be handling tape critiques for the broadcast side. We will be doing one of our

management training seminars immediately preceding the meeting in Atlanta.

A couple of final comments, picking up on things that other people said very quickly, and then I'll leave it to others.

I would counsel you that in light of what I said before about the increasing diversity of the media, not necessarily those who work in it, but to focus on the networks, notwithstanding their apparent power currently, is a mistake. It's self-defeating. In fact, if you look at numbers, if you look at content analysis, as was referred to by an earlier panelist, of the so-called "flagship network programs," you get a completely distorted picture of what is really going on. The viewership of those flagship programs, so-called, has dropped about 50 percent in the last 10 years. Some flagships are a pretty tattered flag, one might suggest. The action is somewhere else. It is on the other shows that the networks are producing. It's on the explosion in local television news organizations and independent stations. It is in the new media. It's local cable news. It's in national cable news. Twelve years ago CNN didn't exist and wouldn't necessarily view itself as a network in the NBC, ABC, or CBS sense.

So I would suggest for your further deliberations you look at a broader cut than just the traditional three networks. Their piece of the puzzle is increasingly small.

The other point I would make from admittedly anecdotal evidence but we have been at this long enough to have a sense of what seems to work and what doesn't work and it was referred to earlier—if there is a top management commitment, if the boss buys into the notion of diversity, it will work in the company or the station group or the network or what have you. If he or she doesn't, then it will probably be an exercise without much output, as Dr. Lichter suggested.

I give an example from two companies with which I am familiar, and I am sure there are others, but I know there are some that don't do this. If you are serious about a diversity program, and you are serious about making your managers do something about it, however they choose to go about that exercise, pay them for it. Give them a bonus if they succeed and don't give them a bonus if they fail. You will discover rather quickly that they will succeed because they are managers and that is what they do. They manage things and if you give them an incentive to manage in a particular direction, they will do so.

Vice Chairperson Reynoso. Thank you. Ms. Eng, you are the one who comes here with ink on your hands, so what have you got to share with us?

Ms. Eng. Well, my headline is that "Asian Americans Continue to Face Exclusion in the Broadcast Industry."

The very fact that I, a print journalist, am sitting here and not an Asian American broadcaster should tell you something.

Within our group, we asked a number of our veteran broadcasters if they would come to testify today. They were all willing to come, but their news directors and station managers were not willing to let them come.

These are people who are in midlevel careers. They are people who have a great deal of experience in our organization. One of the things that they relay is that there are a great number of areas in which Asian Americans are facing discrimination in broadcast, one being a problem that there are very few Asian male anchors. We have Connie Chung on the network level, but if you were to just look across the board at stations, you hardly ever see any Asian men who are anchors.

A couple of stories that were told to me. One veteran said at his station he had an opening there for an anchor and for 6 months he was allowed to serve as the anchor and he asked for feedback along the way and everybody told him, "Oh, you're fine, you're doing great." At the end of 6 months they brought in a white male who had less experience, no anchor experience—maybe he blew-dry his hair differently or something—but he was told, "Well, you did fine, but we like this other guy better." They gave no reason at all for why he did not get the anchor job.

In another case, a veteran broadcaster asked, "Could I try out for this anchor position that is opening up?" He was not even allowed to try out. He was told, "You are too valuable in the field. I don't think it would be a good idea for you to try out," so he never even had the opportunity to audition.

We wonder why this kind of thing occurs and there are no studies that address this. Personally, I wonder sometimes if it isn't that in this country Asian males are seen subconsciously by some people as the enemy because we fought major wars against the Japanese, Koreans, and Vietnamese. I wonder if we look at Asians in broadcast and think of them as un-American.

According to surveys, there are perhaps 24,500 employees in TV-Broadcast, and of these, there are only 220 who are Asian men and 270 who are Asian women. I left with Mr. Rivera the survey that shows this data.

The same kind of case is seen on the management level in terms of news directors and stations where we have 740 news directors nationwide. Of these, there are only six Asian men and two Asian women. Why is this the case? Are Asian Americans still stereotyped as being not assertive enough, not able to make decisions as strong managers?

Why are we even here today, talking about the issue of minorities in broadcast and its importance in terms of news coverage? I think if there are few Asian Americans seen on the air, then there's a lack of community role models who are Asian Americans, and this feeds into anti-Asian sentiment, anti-Asian violence.

Recently the FBI released a report showing that hate crimes rose to 7,684 last year, half of which were racially motivated. I think there are many instances in which Asians have been the brunt of this and we know that without Asian Americans in broadcast, and in print, some of these stories might not come to light, or might not get the national attention that they deserve.

We talk about the Los Angeles riots and the coverage of Asian Americans—there weren't as many Asian American journalists covering the issue, so many had to enlighten news directors and stations on issues that concerned the community. Asian Americans had to speak up about this, had to ask to be allowed to go cover the riots because many times white males were the ones who were first sent.

How often do we see mention of possible Asian American nominees for the Cabinet, for the Supreme Court? This kind of inclusion is rarely mentioned in coverage.

All of this comes back to the fact that Asian Americans are not represented even in communities where the population is large. Take for example, Hawaii, which might be one of the most diverse States in this country. There are no Asian American male anchors on any of the stations in that area, which is ridiculous.

As we have more Asian Americans entering this country as immigrants, what is this going to mean in terms of journalistic opportunities for them? They will come from countries in which they learned to speak English as a second language. They have an

accent. They don't look American. Does this mean they don't sound American? Does this therefore mean they will never have opportunities to become part of American broadcasting?

I want to close by saying that it is very important that we look at all of these things, and that even though the numbers given by various organizations today may conflict in some way, the reality is there is a problem.

Vice Chairperson Reynoso. Thank you very much, as a sit-in for folk in the television media. Questions? Yes?

Commissioner Horner. I found all of the testimony very compelling and from a sort of emotional and personal point of view of the two ladies, more compelling, and I find it sufficiently compelling to ask if you could try to move to a deeper level of explanation for us as to what is going on.

I am sitting here thinking I do a lot of travelling around the country. I don't think I see any Hispanic men broadcasting the news and I am sure I have seen no Asian American men broadcasting the news, and my consciousness is being raised because that hadn't sunk in. My husband and I have often joked about how the team of the black man and the white woman we see on every 10:00 or 11:00 news all around the country—it's totally interchangeable from the southwest to the northeast and so on—it's a formula.

I am struck by the fact that I, even given this position, wasn't thinking about what was missing from the formula as I was kind of noting the formula, but what is going on here?

I mean that very sincerely. Can you explain, beyond simply saying discrimination, the psychological dynamic that is actually at work when the hiring authority is sitting there saying I'll pick one of these three people?

Mr. Bartlett. We have a volunteer.

Ms. Arocha. This is my own personal opinion and it comes after a lot of thinking about the same issue. I really think that many executives in positions of authority in network news, once they have a sense of this quota, and once we have fulfilled that, we don't have to take it any further.

I think there is also a sense that because the civil rights movement in this country focused on black-white issues, and at that point there wasn't the same kind of awareness about Latino and Asian immigration and white news directors think of

diversity as black-white. They still haven't taken it beyond that.

Commissioner Horner. Is it too much to expect at this point in our history that it would be possible for a white news director to see beyond the minority as a category of accommodation to political pressure and just hire the person? In other words, you can see where a hiring authority might say, "Okay, I have got one black and I have got one Hispanic and that's it, folks, that's enough, don't burden me with any further requirements." Isn't it possible to get beyond that to simply hiring—say, I don't know whether Phoenix, Arizona, for instance, has an Hispanic man on one of its local news shows, but wouldn't it be likely that such a man would surface and be talented and be available and it would take an affirmative act, so to speak, not to put him in that position?

Ms. Arocha. I think we are still a long way from that.

Commissioner Horner. But why? What is the veil that drops?

Ms. Eng. I don't think we can legislate human feelings.

Commissioner Horner. What I want to get at is what is the human feeling literally? Is it a business judgment that an anchor who looks vaguely Asian is going to turn off people and therefore we'll have fewer viewers and less advertising? Is it a conscious business concession to prejudice? What is it?

Mr. Bartlett. No, it's a different thing. I'll take a different cut on this.

Yes, it is a business matter, but it has to do with something more fundamental than one's visceral impressions of blacks or whites or Asians or Hispanics. It has to do with business cowardice in terms of taking a chance.

This is particularly true with respect to air personalities. It took a long time before that formula that you described, the so-called pepper-and-salt formula, became a formula. Fred Allen once said that "imitation is the sincerest form of television."

[Laughter.]

Mr. Bartlett. And he wasn't talking about news, but he could have been. If something works, everybody tends to copy it within microseconds.

Commissioner Horner. Yes, that really rings a bell.

Mr. Bartlett. If something hasn't worked yet, people tend to avoid it on any possible pretext. Let me give you an example, right in this town.

The newest news organization in our market, and I guess it's about 3 years old now, is News Channel 8, owned by Allbritton Communications. There's a white news director who runs that place. But if you look at their table of organization, if you look at their staff, you will see a rainbow of diversity.

Commissioner Horner. Right.

Mr. Bartlett. An enormous amount of diversity, on and off the air. Why? Is it because that company, which also owns a television station in this market, suddenly got religion? Not really. Is it because that station was able to get out from under union rules by moving across the river to Virginia and starting over from scratch with a totally nonunion shop? Not really, or certainly not entirely.

Rather, I would submit, it is because they started from scratch in the 1990s rather than continuing a process that started in the 1940s in the case of television.

Look at CNN, similarly. Anything that starts over fresh—when you have a clean slate, you have a chance to do it right or a chance to do it more right than before, and I think that is really what you are seeing.

Someone earlier alluded to the hiring from within at the networks. Well, you bet. I mean these are big old entrenched organizations. It's been a struggle for them notwithstanding the union considerations that make it impossible in some areas to diversify anything—

Commissioner Horner. Which they didn't want to talk about.

Mr. Bartlett. Which they didn't want to talk about, but even when you aren't faced with that, even in the categories where that isn't involved or applicable in any way, it is very hard to say I should hire somebody from Phoenix who may be terrific, but they are brand new, they are young, when I have got this backlog of reliable, familiar faces that have been here for 35 years.

That is more often than not what you are talking about. The good news is that there are News Channel 8s popping up all over the country. The good news is that there are clean slates ready to be written upon all over the country. The growth is in brand new organizations that don't look anything like what preceded them. The old big organizations are downsizing and becoming a smaller percentage of the aggregate action in that 25,000 work force that we estimate. There's hope, folks.

Commissioner Horner. Very interesting.

Vice Chairperson Reynoso. Other questions?

Commissioner Wang. I know the hour is getting late, but I don't mean to be in any way critical but I think this panel, if it were to be the first one, I think we probably could have accomplished more. If your presentation were to be before the three network executives, I think we could have asked them even more pointed questions.

Mr. Bartlett. But then I wouldn't be able to criticize them.

[Laughter.]

Commissioner Wang. They are not here. I want to thank you for your patience and being with us. I think the problem has been identified. I think that is something that we are looking to you for advice so that we can then share the recommendation with the networks to continue to pressure them to make certain changes. That's why we want to get the FCC's reports. When we get them, we will be able to then communicate with the networks.

Any other similar kinds of suggestions that you people might have to increase the total work force within the whole television?

Ms. Arocha. Yes, I said earlier, keeping them focused on the issues and not letting them get off the hook by saying, you know, we've got 17 percent now, whereas 10 years ago we had 7 percent. I think that even 17 percent or whatever is just too low, especially when you look at where the 17 percent is, and when you look at the output it is not being reflected. Wherever that 17 percent is, it is not being reflected in the images that we are seeing on the nightly news.

Mr. Bartlett. I would be very careful about concerning yourself too much with the output, however. I think that the output does take care of itself if true diversity is reflected in management or, if you will, management reflects diversity. Then the output will take care of itself.

If you fret too much about counting stories or counting appearances, that kind of thing, you will be unnecessarily diverted. That is a waste of time, just as concentrating on three companies that happen to call themselves networks and happen to be in the news business among many, many others is also a potential waste of time.

Vice Chairperson Reynoso. Well, again, thank you very much. I concur with the notion that maybe we could have had some even sharper questions.

I was struck by the first panel in terms of how all of the reporting was one of optimism in terms of

what had been done, and to hear the reports of the first panel one would think there were no problems.

Then of course we have the reports from those that represent particular minority organizations who point to the great diversity, particularly in perception, and I am going to say for me, because I spend my working life in Los Angeles, I was struck by the riots in Los Angeles and how incorrect the reporting was, particularly in terms of the first images showing rioting and I remember thinking to myself, aha! this is the first truly multiracial riot we have had in Los Angeles.

[Laughter.]

Commissioner George. But we still have a long way to go.

[Laughter.]

Vice Chairperson Reynoso. Even though the media had put that on initially, that is the television media, it quickly though changed its mind and decided there was a black-white issue or a black-Korean issue, and everybody interviewed after that, which includes the wonderful questions of how do you feel about this, you know—

[Laughter.]

Vice Chairperson Reynoso. —focused particularly on the black community and one would have not dreamed that half of the population in that area is actually Latino, including some of my relatives.

The reports that I have gotten from everybody who studied it and my own observations is that the phenomenon was a quite drastically different one than the news reporting and I can't help but think that all of you are right that despite the progress we have a long ways to go, not just in terms of EEO purposes, fairness in hiring and all that, but of having those folk there do a good job of reporting to the American public what is really going on in the news.

I just want to thank all of you for coming and sharing your thoughts. I must say that in terms of EEO the notion that if those in charge want it done, it gets done sounds very true to me in terms of my experiences in the business and academic world, so again thank you very much. We are very appreciative.