

Comment on  
“Minority and Female Ownership in Media Enterprises”  
by Arie Beresteanu and Paul B. Ellickson

and critique of  
Professor B.D. McCullough’s “Peer-review Report” of the Beresteanu & Ellickson Study

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The fundamental assumptions underlying any research matter greatly to the strength and credibility of the findings and conclusions that the research produces. Thus, it’s important to comment at the outset on what I believe are faulty underlying assumptions in Beresteanu & Ellickson’s study.

Among these assumptions is that women and minority ownership in the broadcast industries can be meaningfully compared along gender and race lines to other non-farm industries. In fact, such a broad comparison should not be made because broadcast industries differ from other industries in a number of significant ways. First, broadcast industries utilize *public airwaves*, something that other non-farm industries do not. Because the airwaves are a public resource, U.S. communication law has always required that their users serve “the public interest, convenience and necessity.” The FCC came into existence to assure that this mandate was carried out. The public interest requirement suggests that the broadcast industry should be compared to other industries and institutions similarly regulated in the public interest. These might include utilities, educational institutions, transportation systems, and prescription drugs.

The broadcast industry also stands as a singular category among U.S. enterprises because it is integral to the backbone of the global economy. The complex telecommunications industry, composed of telephony, broadcast, and a range of other technologies; together with the legal, financial, managerial, creative and other components, supports both local and international communication arrangements, the transfer of funds, and so many other things that enable economic globalization to exist.

Second, and closely related to the first point, is that the broadcast industries are regulated by a federal agency with the responsibility to see (among other things) that such *public interest* obligations are met. Though some other industries (e.g., health care, transportation, utilities) too must meet federal or state regulations, and corresponding agencies are established for such purposes, none of those utilizes a *public* resource, such as the *public airwaves* that broadcast industries use.

Third, the broadcast industries are integrated into the larger telecommunications systems, which have come into the hands of increasingly smaller numbers of owners over the last two decades, but particularly the last ten years. That these owners have a readily discernible gender (male) and race (White) was the basis of a legal challenge in *Prometheus v. FCC*, and the subsequent

ruling by the Third Circuit Court in 2003. Beresteanu and Ellickson's study takes no note of this ruling, its mandate to re-examine problems of access for women and minorities, or the seriousness of the facts. Instead, the study assumes, by omission, that the history of race and sex discrimination in broadcast ownership is irrelevant. Such omission occurs by a failure to cite case law related to these problems, the statutory and regulatory mechanisms that have been tried (and, in the case of tax credits, abandoned) to remedy discrimination, and a general grasp of