

## ABSTRACT

Title of Dissertation:                    **BLACK RADIO OWNERSHIP AND THE  
FCC’S FAILED ATTEMPT TO DIVERSIFY  
THE AIRWAVES**

Robin Mazyck Sundaramoorthy, Doctor of  
Philosophy, 2024

Dissertation directed by:            **Professor Linda Steiner, Philip Merrill College  
of Journalism**

African Americans were effectively shut out of radio station ownership until the 1970s. Discriminatory practices made it virtually impossible for Blacks to acquire broadcast licenses awarded by the Federal Communications Commission (FCC). Efforts to address the issue were taken up during President Jimmy Carter’s administration when minority ownership of all broadcast facilities—television and radio—was less than one percent.

What resulted was FCC Docket No. 80-90. This technical rule created 689 new frequencies on the FM band with the intent that they would give minorities more opportunities to enter broadcast ownership. While Docket 80-90 was the 90th proceeding taken up by the FCC in 1980, the ideas for Docket 80-90 emerged in the mid-to-late 1970s and were implemented in the mid-1980s and throughout most of the 1990s. Despite its momentous impact, scant scholarly attention has been given to this topic.

Using a multimethod qualitative approach based on archives and lived experiences, this dissertation examines the federal government’s efforts to increase minority broadcast ownership by increasing the number of FM radio stations. It assesses the many individuals, groups, and

concerned citizens who, in some cases, unknowingly opened pathways to radio ownership for minorities and created public policy. It also tells the stories of nine African Americans who benefited from this FCC rule and became radio station owners in the 1990s. To achieve this, I reviewed more than 7,000 documents at the National Archives and Records Administration (NARA), the Jimmy Carter Presidential Library and Museum, and Special Collections in Mass Media and Culture at the University of Maryland. I also conducted 50 oral history interviews.

This research also takes a critical look at historiography and the tensions that arise when using archival and oral history methods in writing the story of Docket 80-90. This study is grounded in critical race theory and political economy of the media. To account for the omission of race in this theory, I suggest an elaboration on political economy of the media to consider the specific political economy of Black media because representation matters. Diverse voices, especially those belonging to people who have been historically marginalized, enrich our media systems and provide a more accurate view of the world around us.

The African American broadcasters in this dissertation provided job opportunities, introduced new formats to their communities, and emphasized local news and cultural affairs programming and events. Their path to ownership, however, was a difficult one. Access to capital, racism, sexism, and other forms of discrimination plagued their endeavors. Efforts to increase minority broadcast ownership have been stunted and stymied by a convoluted combination of economic policy, judicial rulings and political maneuvering by the party that controls the White House.

Since the political will to take definitive action is lacking, I suggest that professional groups create opportunities that not only help Black broadcasters enter ownership but stay there. This includes mentorship and educational programs aimed at avoiding the various pitfalls likely

to occur during the first five years of radio ownership when new businesses are most likely to fail.

BLACK RADIO OWNERSHIP AND THE FCC'S FAILED ATTEMPT TO  
DIVERSITY THE AIRWAVES

by

Robin Mazyck Sundaramoorthy

Dissertation submitted to the Faculty of the Graduate School of the  
University of Maryland, College Park, in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
2024

Advisory Committee:

Professor Linda Steiner, Chair

Associate Professor Kalyani Chadha

Professor Mark Feldstein

Associate Professor Kathryn Lafrenz Samuels

Associate Professor Krishnan Vasudevan

© Copyright by  
Robin Mazyck Sundaramoorthy  
2024

## Preface

This dissertation is rooted in the soundtrack of my youth and the voices that were missing when I listened to the radio. I spent part of my childhood living on an Air Force Base in Alaska.

According to the US Census, 401,850 people lived in Alaska then; only 13,643 of them were African American.<sup>1</sup> Needless to say, the local radio station did not air content geared towards the Black population, and so I heard (and saw) very little of myself reflected in the world around me.

As my parents ferried me from one event to another—Girl Scouts, bowling league, dance recitals, and church—they made sure I knew about my Gullah Geetchie heritage and my connection to the larger African American community. Despite their efforts to protect me and prepare me, that predominantly White setting, in which I spent some very impressionable years, was filled with a bevy of tough lessons about race. But the radio was my friend. It became my first love. The music heard “in the early years of life is often associated with a safe and familiar environment where”<sup>2</sup> a loved one provides security, which explains how I managed to overcome those painful moments. I vividly remember riding around the base in my mom’s black Chevy Blazer or my dad’s blue Pontiac Grand LeMans, listening to the music of Blondie, Ambrosia, the Eagles, Supertramp, and Kenny Loggins. I remember listening to the Doobie Brothers as we traveled to neighboring towns and cities on roads that sagged and buckled due to the permafrost that distorted its once-smooth surface. The songs I heard reflected the predominately White community where I lived. At home, I got my fill of soul artists such as George McCrea, Patrice

---

<sup>1</sup> US Census Bureau, Persons by Race and Sex, for Regions, Divisions and States: 1980, Table 62, accessed February 11, 2023, [https://www2.census.gov/prod2/decennial/documents/1980/1980censusofpopu8011u\\_bw.pdf](https://www2.census.gov/prod2/decennial/documents/1980/1980censusofpopu8011u_bw.pdf).

<sup>2</sup> Alf Gabrielsson and Rod Bradbury, *Strong Experiences with Music: Music Is Much More than Just Music*, English ed (Oxford; New York: Oxford University Press, 2011), 13.

Rushen, and Kool & The Gang and gospel music greats like Walter Hawkins and Andraé Crouch.

According to Stuart Hall, how we see ourselves and interpret the world is largely based on how we are presented or represented in the media.<sup>3</sup> In fact,

news broadcasts shape what gets our attention. TV shows and movies illustrate what families, careers, and neighborhoods look like. From the earliest age, we imagine what our lives could be through the lens of media.<sup>4</sup>

There were very few kids on TV who looked like me—with braids or pigtails, but I wore them with pride. My parents knew these silences and omissions<sup>5</sup> would impact my larger sense of self. They did their best to fill in the gaps. Little did I know those experiences would lead me to my dissertation topic.

---

<sup>3</sup> Stuart Hall, “Spectacle of the ‘Other,’” in *Representation: Cultural Representations and Signifying Practices*, ed. Stuart Hall, (London: SAGE, 1997), 225–77.

<sup>4</sup> Geoffrey Starks, Commissioner, Federal Communications Commission, “Media Ownership Diversity Symposium,” streamed live on February 7, 2023, YouTube video, 5:05:00, <https://www.youtube.com/watch?v=oMewRk-rW8s>.

<sup>5</sup> Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston, MA: Beacon Press, 1995).

## Dedication

This dissertation is for my son Kaliru, my husband Sundar, and my mom Maranda.

To my Uncle Jack: You made history as the first Black radio deejay on WALD AM. This is for you too.



## Acknowledgements

This has been an incredible journey, and it would not have been possible without the prayers, support, and encouragement of my family and friends. I would like to express my deepest gratitude to my advisor Dr. Linda Steiner. You have been a wonderful mentor and friend, and I am grateful for the care and concern you have shown me these past years. Your insightful advice, unwavering support, and extensive knowledge are unmatched.

My completion of this dissertation would not have been possible without my committee. Dr. Kalyani Chadha, I enjoyed being your TA and have modeled my style of teaching after yours. Thank you for your feedback and for all the emotional support you provided. It has been invaluable. Dr. Mark Feldstein, your history class changed my life and gave my research purpose and meaning. I cannot stress how deeply your lectures impacted my trajectory here at Merrill. Dr. Kathryn Lafrenz Samuels, I have a research agenda because of you! Thank you for introducing me to the wonderful work of Michel-Rolph Trouillot. Dr. Krishnan Vasudevan, your work is refreshing and an inspiration. Thank you for showing me what is possible.

Mike Henry, the Maryland Reading Room is one of my favorite places on campus, and I have you to thank you for this. The incredible work you do with the University Archives is very much appreciated. There were several times when I handed you a snippet of an article, or a blurry screenshot of the cover of a magazine and somehow, you managed to find the items I needed. I made several incredible discoveries because of you. Celina McDonald and all the librarians working in the Interlibrary Loan Department at McKeldin Library, you all care so deeply. Thank you for your help.

Evelyn Ray-Rogers: You are the reason I have a dissertation topic. During our first phone call, you asked me if I had ever heard of Docket 80-90. When I said “no,” you gave me exactly

30 days to do some research on Docket 80-90. You told me to call you back and explain everything I knew. Thank you for being so rigorous and supportive.

Erwin Krasnow, I will never forget the excitement in your voice when I called requesting information on Docket 80-90. You were so generous with your time and resources. I enjoyed our conversations—especially the ones that were for deep background purposes. I appreciate your calls and text messages checking on my progress. The same can be said of Emmie Jo Gamble, Maureen Lewis, and Art Mobley. Your phone calls, letters, and cards meant the world to me! Somehow, you knew when I needed a boost. You are both a part of an important history that deserves to be celebrated. A special thanks to all my participants for trusting me with your precious memories and allowing me to share your experiences. What incredible lives you have lived.

Dr. Sarah Oates, there is no one like you. Your enthusiasm is infectious, and I thank you for keeping my best interest at heart. Your gentle nudges kept me moving and kept me on track. Especially helpful to me during my time at Merrill is an amazing group of #merrillmade PhDs: Karin Assman, Merrilee Cox, Carole Lee, and Wei-Ping Li. Each of you listened, helped me problem solve, and offered tough love when I needed it the most. Dr. Alison Burns, Dr. Linda Macri, Dr. Rob Wells, and Dr. Ron Yaros also offered an immense amount of support. I could not ask for better role models in Dr. Dionne Clemmons, Dr. Howard Bossen, and Dr. Darcy Greene.

Joey Chen, Ivy Lyons, Diana Krovvidi, Jodi McFarland, Gea Ujčić, and Aaron Ye—our conversations in the grad office kept me in good spirits! You are next! You represent the future, and it is bright!

Kayla Pressley, you are more than my friend. You are my sister! This would not have been possible without you. You kept me focused, grounded, and helped me keep it all in perspective. Thanks for always telling me the truth and for making me laugh. Sok Be, you are like a sister to me too. Thanks for the phone calls, the visits, and the meal prep! Ganee Gaither, thanks for helping me gather files from the Jimmy Carter Library.

There is nothing more powerful than a praying mom, and I owe a debt of gratitude to my mom, Maranda Mazyck. When I wanted to give up and quit, you would not let me. You spent months caring for my family when I could not because I was busy writing and studying. Kaliru, you are the best son in the world! I do believe you know just as much about Docket 80-90 as I do. Thank you for allowing me to read my dissertation to you. Your feedback was *very honest* and helpful. Sundar, I cannot begin to tell you how much you mean to me. You gave me the time and space to fulfill my dreams.

I want to thank God for guiding me, for opening the right doors (and windows), and for blessing me in unimaginable ways.

# Table of Contents

Preface.....	ii
Dedication.....	iv
Acknowledgements.....	v
Table of Contents.....	viii
List of Figures.....	xi
List of Tables.....	xii
Chapter 1: Introduction.....	1
1.1    Radio: From Racist Tropes to Ownership.....	5
1.2    Purpose of Dissertation.....	12
Chapter 2: Literature Review.....	15
2.1    Docket 80-90 Scholarship.....	15
2.2    Theory and the Historian.....	19
2.3    Critical Race Theory.....	19
2.4    Political Economy of the Media.....	22
2.5    Stratification.....	25
2.6    The Public Interest Explained.....	29
2.7    Media Ownership: Does it Matter?.....	33
2.8    Deregulation: The Key to Minority Ownership?.....	38
2.9    The “Broadcast Policy-Making System”.....	42
2.9.1    The FCC.....	43
2.9.2    Broadcast Industry.....	44
2.9.3    Citizens Groups.....	46
2.9.4    The Courts.....	47
2.9.5    The White House/The US President.....	48
2.9.6    Congress.....	49
2.9.7    Criticism and Praise.....	50
2.9.8    OTP/NTIA and the Concerned Individual Citizen.....	52
Chapter 3: Methodology and Methods.....	54
3.1    Research Questions.....	55
3.2    Archival Research Methods and Oral History.....	57
3.3    The Archive.....	58
3.3.1    Archives as Places of Power.....	60
3.3.2    Archives as Memory.....	61
3.3.3    Archive Fever.....	62
3.4    Oral History.....	64
3.5    Historiography: Silences, Omissions, and Gaps.....	66
3.5.1    Moment of Fact Creation.....	67
3.5.2    Moment of Fact Assembly.....	68
3.5.3    Moment of Fact Retrieval.....	70
3.5.4    Moment of Retrospective Significance.....	71
3.6    The Study.....	74
3.6.1    Design.....	75
3.6.2    The Thrill of the Archive.....	76

3.6.3	The National Archives and Jimmy Carter Presidential Library .....	78
3.6.4	Document Dump .....	79
3.6.5	FCC Archives: A Deeper Look.....	81
3.6.6	University of Maryland Special Collections and other Sources .....	82
3.6.7	Personal Archives .....	82
3.6.8	FCC FOIA Requests .....	83
3.6.9	Oral History Interviews.....	84
3.7	Context is Key: Change and Civil Rights .....	87
3.8	Discrimination: The American Way of Life .....	87
3.9	Fighting the FCC.....	91
3.9.1	Nicholas Johnson: Maverick, Triple Threat, Too Hot to Handle .....	92
3.9.2	Benjamin Hooks: Making Progress at the FCC .....	97
3.9.3	Tyrone Brown: Not on My Watch .....	101
3.9.4	Charles D. Ferris: Drafter of Civil Rights Legislation.....	104
3.9.5	Pluria W. Marshall Sr.: A Republican with a Cause.....	107
3.9.6	National Association of Black Owned Broadcasters .....	113
Chapter 4:	Docket 80-90: An Amalgamation of Ideas Converge.....	115
4.1	The Rulemaking Process.....	115
4.2	A “Pipe Dream” is Born .....	117
4.3	FM Table of Assignments.....	121
4.3.1	Those “Useless” FM Licenses .....	121
4.3.2	Drawing Circles on a Map .....	122
4.4	“We Started it. We Actually Started it.” .....	123
4.5	RM-2587 and the First Case for Diversity.....	125
4.6	1968-1978: Black Radio Ownership Numbers .....	126
4.7	The FCC Begins to Listen.....	128
4.8	1977: Minority Ownership Taskforce Meeting .....	129
4.8.1	Follow the Money .....	133
4.8.2	Ratings and Ads .....	134
4.8.3	Modifying the Spectrum .....	136
4.9	Blacks Propel Jimmy Carter to Victory .....	141
4.9.1	Black Radio: The Key to Carter’s Win.....	142
4.9.2	Black Government Appointees .....	143
4.9.3	Carter Makes Promises .....	148
4.9.4	The Minority Telecommunications Development Program .....	150
4.9.5	NTIA Takes the Lead.....	153
4.9.6	Henry Geller: His Work and Life .....	154
4.9.7	Helena Mitchell, Maureen Lewis and the MTDP.....	156
4.10	1978: An Engineer with an Idea .....	158
4.11	1979: The NTIA Makes a Compelling Case.....	161
4.11.1	The Final Piece of the Puzzle.....	161
Chapter 5:	1980: Docket 80-90 Approved.....	164
5.1	Tell Us What You Really Think .....	165
5.1.1	Comments Flood the FCC .....	167
5.1.2	Calls for Minority Ownership.....	170
5.1.3	Stop Focusing on Minority Broadcast Ownership.....	173

5.2	Kathryn “Katie” Hosford: The Engineer Behind Docket 80-90 .....	174
5.3	A Very Different Commission .....	176
5.4	Docket 80-90: The Vote .....	177
Chapter 6: Docket 80-90: Hopes and Dreams Dashed .....		180
6.1	80-90, 80-130, 84-231 Explained .....	180
6.1.1	Docket 80-130: Minorities Get the Shaft .....	181
6.1.2	Docket 84-231: 689 Locations .....	191
6.1.3	Docket 80-90: Training Seminars .....	194
6.1.4	Application Stampede .....	197
6.2	The Comparative Hearing Process .....	199
6.3	Insane Costs: Benjamin Davis .....	201
6.4	Shady Tactics .....	203
6.5	Application Mills and Thomas L. Root .....	204
6.5.1	Root Falls from Grace .....	207
6.5.2	“Rent-a-Black” .....	212
6.5.3	Vera Gilford: A Frequency in Limbo .....	215
6.5.4	Pete Peebles: The Longest Comparative Hearing on Record .....	217
Chapter 7: On Air and in their Own Words .....		220
7.1	The Hunt for Docket 80-90 Stations .....	221
7.2	Docket 80-90 Stations Go on the Air .....	223
7.3	1990-1997: Black FM Radio Ownership .....	225
7.4	And We’re Live! .....	227
7.4.1	1991: Ro Nita Hawes-Saunders .....	228
7.4.2	1992: Emmie Jo Gamble .....	230
7.4.3	1992: Art Mobley .....	233
7.4.4	1995: Robert Short .....	234
7.4.5	1996: Merrill “Butch” Charles .....	236
7.4.6	1996: Evelyn Ray-Rogers and Morris Rogers .....	238
7.4.7	1997: Paula Nelson .....	240
7.5	Themes .....	242
7.5.1	Low-Power Concerns .....	242
7.5.2	Ad Sales .....	243
7.5.3	Access to Capital .....	246
7.5.4	Racism, Sexism, Jealousy .....	247
7.5.5	Commitment to Community and Culture .....	248
7.5.6	Experiences with Racism .....	251
7.6	In Memoriam: Faye Brown-Blackwell .....	252
Chapter 8: Afterword, Conclusion, and Future Research .....		258
8.1	Summary of Results .....	259
8.2	Destined to Fail .....	262
8.3	Limitations and Future Research .....	267
8.4	A New Definition of Success .....	268
8.5	Black Political Economy of the Media .....	269
8.6	Don’t Touch that Dial! .....	272
Bibliography .....		275

## List of Figures

Figure 1. FRC Boxes that held FCC Minutes .....	76
Figure 2. Jimmy Carter Library .....	77
Figure 3. Minutes from FCC meetings held in 1976 .....	78
Figure 4. Docket 80-90 Files, National Archives, College Park, MD .....	79
Figure 5. Locations of African American Docket 80-90 stations .....	222

## List of Tables

Table 1. Black-Owned Radio Stations from 1968-1978.....	127
Table 2. Less than One Percent: Black-Owned Radio Stations 1968-1978 .....	128
Table 3. Black-Owned FM Radio Stations in the 1990s, Source: NTIA, MTDP.....	226
Table 4. African American Docket 80-90 Owners .....	227



## Chapter 1: Introduction

“Americans have a personal relationship with radio, a relationship so long-lasting and so pervasive that most people don’t even realize it. Radio has an unmeasurable but undeniable pull on many people....”

—Jon Margolis, *Chicago Tribune* Columnist, 1985

Radio is the oldest form of broadcast media and has entertained and informed us for more than a century. It has been called “the background sound of our lives”<sup>1</sup> and has allowed for the kind of “free discussion of public issues [that] has always been a basic function of American democracy.”<sup>2</sup> However, as David Honig notes, African Americans and other minorities were effectively shut out of radio station ownership and excluded “on a grand scale—from 1932 to 1978,”<sup>3</sup> in part because of discriminatory practices that made it virtually impossible for Blacks to acquire broadcast licenses, which are awarded by the Federal Communications Commission (FCC).<sup>4</sup>

This dissertation examines steps taken by the federal government in the 1970s and 1980s to right those wrongs; it is about efforts to increase minority radio ownership by adding more stations to the FM dial. This study specifically looks at FCC Docket No. 80-90<sup>5</sup>—the 90th proceeding taken up by the FCC in 1980. Docket 80-90 is a technical rule that allowed the

---

<sup>1</sup> Michele Hilmes, “Rethinking Radio,” in *Radio Reader: Essays in the Cultural History of Radio*, ed. Michele Hilmes and Jason Loviglio (New York: Routledge, 2002), 1.

<sup>2</sup> George V. Denny, “Radio Builds Democracy,” *Journal of Educational Sociology* 14, no. 6 (February 1941), 370.

<sup>3</sup> David Honig, “How the FCC Suppressed Minority Broadcast Ownership, and How the FCC Can Undo the Damage It Caused,” *Southern Journal of Policy and Justice* XII (2018), 45.

<sup>4</sup> Honig, “FCC Suppressed Minority Broadcast Ownership,” 45.

<sup>5</sup> Hereafter “Docket 80-90.”

agency to “drop-in” 689 new FM frequencies with the intent that these new stations would give minorities more opportunities to enter broadcast ownership. These additional stations were mainly added to small towns and medium-sized cities that either 1) did not have any radio station, 2) had a “daytime” radio station that broadcast only from sunup to sundown, 3) had a substantial minority population and would benefit from having a minority-owned station or 4) would benefit from having a public radio station.<sup>6</sup> My research concerns itself with item number three: minority ownership—specifically African American ownership.

Efforts to tackle this issue were taken up during President Jimmy Carter’s administration, when minority ownership of all broadcast facilities—television and radio—was less than one percent.<sup>7</sup> This study looks at President Carter’s pledge to make minority broadcast ownership an important goal of his administration and his promise to the American people to vigorously pursue opportunities “to increase minority ownership of broadcast stations through regulatory actions, government loans guarantees and private loan and training programs.”<sup>8</sup> Conventional thinking by Carter and Democrats at the time was that deregulation would “increase diversity in broadcasting”<sup>9</sup> and that adding almost 700 radio stations to the FM dial met this goal without violating the principle of deregulation. Republicans, while not necessarily concerned with increasing minority broadcast ownership, were excited about executing free-market principles.

---

<sup>6</sup> Modification of FM Broadcast Stations Rules to Increase the Availability of Commercial FM Broadcast Assignments, (Report and Order) 94 FCC2d (1983).

<sup>7</sup> Reed W. Smith, “Charles Ferris: Jimmy Carter’s FCC Innovator,” *Journal of Radio & Audio Media* 21, no. 1 (January 2014), 154.

<sup>8</sup> “Public Papers of the Presidents of the United States: 1979: vol. 1: Carter” (District of Columbia: Federal Register Division, National Archives and Records Service, General Services Administration: U.S. G.P.O, 1979), 141.

<sup>9</sup> Smith, “Charles Ferris,” 154.

As a result, this dissertation also discusses deregulation of the telecommunications industry and Carter's role in this undertaking.

This study shares the stories of a small, exclusive club of African Americans who were able to benefit from those ideas and build FM radio stations. I chart the successes, valiant efforts, good intentions, heartbreak, defeat and missed opportunities by people who were not afraid to risk everything they had to own an FM radio station through the Docket No. 80-90 rule.

Unlike newspapers, radio ownership requires a government license, and while the airwaves belong to the people, the government regulates licensing. Radio is vital. It ensures a thriving democracy that mirrors the abundance of experiences prevalent in our multicultural society. Researchers point to radio's cultural significance saying, the mass media "has the capacity to affect the cultural and political attitudes, opinions and values of the nation."<sup>10</sup> The voices of those who have been historically marginalized will bring a unique perspective and approach to our media systems. It will also have a "profound positive impact upon the diversity of information which the American society receives about itself and the world."<sup>11</sup> The way we see the world is largely based on how we are presented and represented in the media.<sup>12</sup>

At the Media Ownership and Diversity Symposium held on February 7, 2023, FCC Commissioner Geoffrey Starks took this one step further saying,

[S]ome narratives we see over and over again whether they're reported stories or TV show tropes.... These impressions add up, informing what we see as familiar or unfamiliar, important or unimportant, even if it remains at a subconscious level. That's

---

<sup>10</sup> Philip Michael Napoli, "Regulatory Behavior and the Federal Communications Commission: An Analysis of Broadcast Policy Making and Enforcement Activity" (PhD diss., Northwestern University, 1997), 3.

<sup>11</sup> Allen S. Hammond IV, "Now You See It, Now You Don't: Minority Ownership in an Unregulated Video Marketplace," *Catholic University Law Review* 32, no. 3 (1982), 636.

<sup>12</sup> Stuart Hall, "Spectacle of the 'Other,'" in *Representation: Cultural Representations and Signifying Practices*, ed. Stuart Hall, (London: SAGE, 1997), 225-77.

why representation in media matters. Diversity in media ownership reaches far beyond a single company's day-to-day environment. It directly impacts what stories are told, and who gets to tell them.<sup>13</sup>

Hence, as C. Edwin Baker notes, who owns the media is supremely important because “in many circumstances, diverse owners will produce more diverse content.”<sup>14</sup> Jonathan Gray and Robin Anderson point out that minority audiences, in particular, have benefited from this, as “minority-owned media have provided audiences with content they could not find in the mainstream media.”<sup>15</sup> Hugh G.J. Aitken acknowledges that the radio spectrum is valuable and has “economic significance.”<sup>16</sup> In fact, scholars say radio ownership helps Black dollars remain in the community. Allen S. Hammond IV contends that it “allows minorities to make a more enduring contribution to the general welfare as employers and as producers of goods, services, and innovation.”<sup>17</sup> Historically, business ownership has given African Americans full participation and “integration into the American economy.”<sup>18</sup>

As I show in this dissertation, the African Americans who were able to enter FM radio ownership in the 1990s were successful, but they had to work twice as hard as their White counterparts. After the passage of the Telecommunications Act of 1996, several owners were

---

<sup>13</sup> Geoffrey Starks, “Commissioner Starks Opening Remarks” (speech, FCC’s Communications Equity and Diversity Council (CEDC) Symposium, “Expanding Digital and Media Ownership Opportunities for Women and Minorities,” Washington, DC, February 2023).

<sup>14</sup> C. Edwin Baker, *Media Concentration and Democracy: Why Ownership Matters* (Cambridge: Cambridge University Press, 2007), 15.

<sup>15</sup> Jonathan Gray and Robin Andersen, *Battleground: The Media [2 Vols]* (Westport, Conn: Greenwood, 2008), 260.

<sup>16</sup> Hugh G. J. Aitken, “Allocating the Spectrum: The Origins of Radio Regulation,” *Technology and Culture* 35, no. 4 (October 1994), 686.

<sup>17</sup> Hammond, “Now You See It, Now You Don’t,” 636.

<sup>18</sup> “Forty Megahertz and a Mule: Ensuring Minority Ownership of the Electromagnetic Spectrum,” *Harvard Law Review* 108, no. 5 (March 1995), 1145, <https://doi.org/10.2307/1341873>.

forced to sell their stations. The law loosened ownership rules and big conglomerates purchased multiple radio stations in the same market which made it difficult for these small, independent African American broadcasters to compete in the marketplace. This dissertation adds to the literature rooted at the intersection of public policy, ownership, and regulation. To situate my topic in the proper context, I will now take a brief historical look at Black representation in radio, stereotypical depictions, and minority ownership.

### 1.1 Radio: From Racist Tropes to Ownership

Even though radio was once hailed as the “marvel of the age and the glue that held a nation together through disasters, war, and economic depression,”<sup>19</sup> the biases and stereotypes prevalent in society were also reflected across the airwaves. The radio show *Amos ‘n’ Andy* is an early example of this. Built on racist tropes, stereotypes, and caricatures, *Amos ‘n’ Andy*, was about two Black men from the South who moved to Chicago. The Black men, portrayed by White actors, spoke in a “traditional minstrel dialect”<sup>20</sup> using “racial ventriloquy”<sup>21</sup> that was derogatory and offensive. The Black women on the show, also played by White actresses, were characterized as sassy and bossy.<sup>22</sup> Called “verbal blackface”<sup>23</sup> by scholars, *Amos ‘n’ Andy* is credited with firmly entrenching the Sapphire stereotype of the angry Black woman in popular

---

<sup>19</sup> Marilyn J. Matelski, “Resilient Radio,” in *Radio—: The Forgotten Medium*, ed. Edward C. Pease and Everette E. Dennis (New Brunswick, NJ, U.S.A: Transaction Publishers, 1995), 5.

<sup>20</sup> Michele Hilmes, “Invisible Men: *Amos ‘n’ Andy* and the Roots of Broadcast Discourse,” *Critical Studies in Mass Communication* 10, no. 4 (December 1993), 306, <https://doi.org/10.1080/15295039309366873>.

<sup>21</sup> William Barlow, *Voice Over: The Making of Black Radio* (Philadelphia, PA: Temple University Press, 1999), 1.

<sup>22</sup> Arnold Shankman, “Black Pride and Protest: The Amos ‘n’ Andy Crusade of 1931,” *Journal of Popular Culture* 12, no. 2 (Fall 1978), 238.

<sup>23</sup> Hilmes, “Invisible Men,” 301.

culture.<sup>24</sup> In 1926, the first iteration of the show, *Sam 'n' Henry*,<sup>25</sup> aired locally on WGN<sup>26</sup> in Chicago. Its popularity skyrocketed in 1929 when *Amos 'n' Andy* began airing across the country on NBC. Between 1929 and 1931, at the height of its popularity, more than 40 million people listened to the show.<sup>27</sup>

In 1931, Robert Vann, editor of the *Pittsburgh Courier*, called for a nationwide boycott of *Amos 'n' Andy*, saying: “The air must be free of insult....”<sup>28</sup> His paper pledged to remove this “Travesty on Decency off the air”<sup>29</sup> and circulated a petition calling *Amos 'n' Andy* “detrimental to the self-respect and general advancement of the Negro in the United States....” According to Vann, the show should be “driven from the air as a menace to our self-respect, or professional, fraternal and economic progress,”<sup>30</sup> and he collected some 750,000 signatures and sent them to the Federal Radio Commission (FRC), predecessor to the FCC. The campaign failed; *Amos 'n'*

---

<sup>24</sup> Laura Green, “Stereotypes: Negative Racial Stereotypes and Their Effect on Attitudes Toward African-Americans,” Jim Crow Museum, n.d., accessed May 15, 2023, <https://www.ferris.edu/htmls/news/jimcrow/links/essays/vcu.htm>.

<sup>25</sup> Daniel H. Foster, “From Minstrel Shows to Radio Shows: Racism and Representation in Blackface and Blackvoice,” *The Journal of American Drama and Theatre* 17, no. 2 (Spring 2005), 7–16, 86.

<sup>26</sup> Hilmes, “Invisible Men.”

<sup>27</sup> Hilmes, “Invisible Men,” 307.

<sup>28</sup> As quoted in Andrew Bunie, *Robert L. Vann of the Pittsburgh Courier: Politics and Black Journalism* (Pittsburgh: University of Pittsburgh Press, 1974), 228.

<sup>29</sup> Bunie, “Robert L. Vann,” 228.

<sup>30</sup> “Wanted! One Million Signers: A Nationwide Protest Against “Amos 'n' Andy,” *Pittsburgh Courier*, June 13, 1931, 1.

*Andy* continued airing on the radio and then on television for the next 30 years.<sup>31</sup> But the public outcry was significant.<sup>32</sup>

It was that same comprehension and sense of dignity, urgency, and pride that led John Russwurm and Samuel Cornish, publishers of the first Black newspaper, to bring attention to the fact that Blacks were being distorted and falsely portrayed in society. In the first edition of *Freedom's Journal*, published on March 16, 1827, almost 100 years before *Amos 'n' Andy* aired, Russwurm and Cornish wrote,

We wish to plead our own cause. Too long have others spoken for us. Too long has the publick been deceived by misrepresentations, in things which concern us dearly, though in the estimation of some mere trifles; for though there are many in society who exercise towards us benevolent feelings; still (with sorrow we confess it) there are others who make it their business to enlarge upon the least trifle, which tends to the discredit of any person or colour; and pronounce anathemas and denounce our whole body for the misconduct of this guilty one.<sup>33</sup>

Because Russwurm and Cornish owned their newspaper, they controlled the content. As was the case with the *Pittsburgh Courier* and scores of other Black newspapers across the country, the Black press was able to champion Black causes<sup>34</sup> and shape “Black consciousness”<sup>35</sup>

---

<sup>31</sup> Shankman, “Black Pride and Protest,” 236.

<sup>32</sup> Barbara Dianne Savage, *Broadcasting Freedom: Radio, War, and the Politics of Race, 1938–1948*, The John Hope Franklin Series in African American History & Culture (Chapel Hill: University of North Carolina Press, 1999), 36.

<sup>33</sup> Cornish and Russwurm, “To Our Patrons,” *Freedom's Journal*, March 16, 1827, 1.

<sup>34</sup> Juliet E.K. Walker, “The Promised Land: The Chicago Defender and the Black Press in Illinois, 1862-1970,” in *The Black Press in the Middle West, 1865-1985*, ed. Henry Lewis Suggs, Contributions in Afro-American and African Studies, 0069-9624; No. 177 (Westport, CT.: Greenwood Press, 1996); Robin Mazyck Sundaramoorthy and Jinx C. Broussard, “Writing and ‘Righting’: African American Women Seek the Vote,” in *Front Pages, Front Lines: Media and the Fight for Women's Suffrage*, ed. Linda Steiner, Carolyn Kitch, and Brooke Kroeger (University of Illinois Press, 2020), 78–97.

<sup>35</sup> “The Role of Black Media,” *The Black Scholar* 6, no. 3 (November 1, 1974), 1, <https://doi.org/10.1080/00064246.1974.11431469>.

unapologetically and with great enthusiasm because content creation was in the hands of African Americans.<sup>36</sup>

Russwurm and Cornish were prophetic in their declaration. In 1968, the Kerner Commission pointed out that mainstream media outlets were still mischaracterizing African Americans and issues in the Black community.<sup>37</sup> Radio and television stations were found to air rumors that created anger, resentment, and anxiousness in both Black and White neighborhoods.<sup>38</sup> But Black Americans already knew this. They knew that White-owned media (broadcast and print) “frequently excluded, distorted and patronized”<sup>39</sup> Black Americans. This provokes these questions: Would Black-owned broadcast facilities present African Americans differently? Would a radio station controlled by African Americans have the same impact as traditional Black newspapers and magazines? The answers to these questions would be a long time coming.

In the late 1940s, the White-owned radio station WDIA in Memphis was the first in the nation to program its content exclusively for Blacks.<sup>40</sup> Other White-owned stations would follow suit and devote a considerable amount of time to Black programming.<sup>41</sup> This was a source of

---

<sup>36</sup> Jane Rhodes, *Mary Ann Shadd Cary: The Black Press and Protest in the Nineteenth Century* (Bloomington: Indiana University Press, 1998), xii.

<sup>37</sup> National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders*, vol. 1 (Washington, D.C: Government Printing Office, 1968).

<sup>38</sup> National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission*, 81.

<sup>39</sup> Richard G. Hatcher, “Mass Media and the Black Community,” *The Black Scholar* 5, no. 1 (September 1, 1973), 2, <https://doi.org/10.1080/00064246.1973.11431339>.

<sup>40</sup> Richard S. Kahlenberg, “Negro Radio,” *Negro History Bulletin* 29, no. 6 (March 1966), 127–28, 142–43; Tanya Teglo, “WDIA and the Black Press: A Powerful Partnership,” *Tennessee Historical Quarterly* 77, no. 4 (Winter 2018), 338–53.

<sup>41</sup> Kahlenberg, “Negro Radio.”



“tremendous pride to the communities they served.... Recognizably Black and Hispanic voices were heard on the air consistently.”<sup>42</sup> According to Fred Ferretti, this would unfortunately lead to more mockery and embellished platitudes of Blacks, as others would create demeaning imitations,<sup>43</sup> but William Barlow says: “It nevertheless represented a breakthrough.”<sup>44</sup> However, inequities were still present. African Americans working in the radio industry were paid far less than their White counterparts. By 1969, White radio stations that catered to Blacks were bringing in a very impressive \$35 million in advertisement sales.<sup>45</sup> Whites began buying these “lucrative station licenses.”<sup>46</sup> For example, conservative White publisher William F. Buckley Jr. was referred to as a “budding force” in the radio industry. Known for using anti-Black sentiment as a political strategy,<sup>47</sup> he purchased majority shares of three stations—WBOK in New Orleans, WLOK in Memphis and KYOK in Houston.<sup>48</sup> He also had a stake in Black-oriented stations in Arkansas and California.<sup>49</sup>

---

<sup>42</sup> Eric Rothenbuhler and Tom McCourt, “Radio Redefines Itself, 1947–1962,” in *Radio Reader: Essays in the Cultural History of Radio*, ed. Michele Hilmes and Jason Loviglio (New York: Routledge, 2002), 373.

<sup>43</sup> Fred Ferretti, “The White Captivity of Black Radio,” *Columbia Journalism Review* 9, no. 2 (Summer 1970), 35.

<sup>44</sup> William Barlow, *Voice Over: The Making of Black Radio* (Philadelphia, PA: Temple University Press, 1999), 373, quoted in Eric Rothenbuhler and Tom McCourt, “Radio Redefines Itself,” 367–87.

<sup>45</sup> Ferretti, “The White Captivity of Black Radio,” 35.

<sup>46</sup> Simeon Booker, “Ticker Tape U.S.A.,” *Jet*, December 21, 1972, 11.

<sup>47</sup> Joseph Lowndes, “William F. Buckley Jr.: Anti-Blackness as Anti-Democracy,” *American Political Thought* 6, no. 4 (November 2017), 632–40.

<sup>48</sup> Ferretti, “The White Captivity of Black Radio.”

<sup>49</sup> Booker, “Ticker Tape U.S.A.,” 11.

Even though the format targeting Black audiences was wildly successful,<sup>50</sup> and “Black-oriented programming was the industry’s biggest commercial success story since the arrival of television,”<sup>51</sup> the FCC refused to grant broadcast licenses to African Americans. The government agency gave frequencies to “favored constituents”<sup>52</sup> and denied license requests to others for baseless reasons. When the owner of the *Kansas City American* (Kansas City, MO), an African American newspaper, applied for a radio license<sup>53</sup> on January 28, 1930, with the FRC,<sup>54</sup> the agency rejected his request. Members of the FRC told Dr. William J. Thompkins<sup>55</sup> that they denied his application because the station would cater to Blacks and not relevant, entertaining, or informative to Whites.<sup>56</sup> According to Honig, Jewish Americans were the only other identity group likely to being denied licenses based on the assumption that they would not provide “service to the general population.”<sup>57</sup> In the 1930s,

---

<sup>50</sup> Brian Ward, *Radio and the Struggle for Civil Rights in the South*, New Perspectives on the History of the South (Gainesville: University Press of Florida, 2004).

<sup>51</sup> Honig, “FCC Suppressed Minority Broadcast Ownership.”

<sup>52</sup> Robert B. Horwitz, “On Media Concentration and the Diversity Question,” in *Media Diversity and Localism: Meaning and Metrics*, LEA’s Communication Series (Mahwah, NJ: Lawrence Erlbaum Associates, 2007), 26.

<sup>53</sup> The *Kansas City American* (Kansas City, MO) is often credited with being the first African American entity to apply for a radio license, but Rufus P. Turner disputes this and says he operated a licensed radio station out of Washington, DC five years earlier in 1925. See Rufus P. Turner, “Kansas City American Not First to File Request for Radio License,” *Afro-American* (Baltimore), March 1, 1930. The *Afro-American* (Baltimore) published an article in 1936 backing this claim. However, the report said Turner had been on air since 1924 and was known to “radio amateurs” around the world. See John Daniels, “Conquering the Air Waves: John A. Daniel, AFRO’S Radio Editor, Discusses Accomplishments of Rufus P. Turner, Who Built the World’s Smallest Radio Set,” *Afro-American* (Baltimore), March 7, 1936.

<sup>54</sup> “Kansas City Newspaper Wants Radio Station,” *New Journal and Guide* (Norfolk, VA), February 1, 1930.

<sup>55</sup> “Kans. City Asks Radio Station,” *Afro-American* (Baltimore), February 1, 1930.

<sup>56</sup> Honig, “FCC Suppressed Minority Broadcast Ownership.”

<sup>57</sup> Honig, “FCC Suppressed Minority Broadcast Ownership,” 64.

The Federal Communications Commission denied three applicants because their stations would broadcast in “foreign languages”—code for Yiddish, the language commonly used by Jewish refugees who had escaped from Germany, Poland, and Russia.... The FCC held that ‘the need for equitable distribution of [radio] facilities throughout the country is too great to grant broadcast station licenses for the purpose of rendering service to such a limited group... [and] would [not] be in the public interest.’<sup>58</sup>

According to Susan Brinson, only a certain “ideology that privileged the wealthy/White/heterosexual male perspective” was heard on air:

If you were a media corporation or a wealthy White male who supported free enterprise and democracy, your chances of winning a broadcast license were infinitely better than if you belonged to a minority, were female or openly gay, or were a member of a labor union or the Communist Party.<sup>59</sup>

Thousands of licenses were granted, but minorities were awarded very few. Almost 20 years after Thompkins’s attempt to acquire a license, J.B. Blayton would become the first Black radio station owner when he purchased WERD in Atlanta in 1949.<sup>60</sup> It would be another seven years before a Black-owned radio station would be built from the ground up.

The FCC is supposed to distribute licenses based on “public interest, convenience, or necessity.”<sup>61</sup> Until 1994, the FCC awarded most licenses via a comparative hearing process.<sup>62</sup> Comparative hearings were presided over by an administrative law judge who determined the financial fitness and upstanding nature of the applicants. These hearings were often lengthy and

---

<sup>58</sup> Honig, “FCC Suppressed Minority Broadcast Ownership,” 65.

<sup>59</sup> Susan Brinson, “Radio’s Covenant: The Regulatory Failure of Minority Ownership of Broadcast Facilities,” in *Radio Cultures: The Sound Medium in American Life*, ed. Michael C. Keith (New York: Peter Lang, 2008), 10.

<sup>60</sup> Barlow, *Voice Over*; Indiana University Archives of African American Music and Culture et al., “Golden Age of Black Radio – Part 1: The Early Years,” Google Arts & Culture, April 14, 2014.

<sup>61</sup> Communications Act of 1934, 163.

<sup>62</sup> KPMG LLP Economic Consulting Services, “History of the Broadcast License Application Process,” November 2000, 15.

expensive. The first African American to win a comparative hearing trial was Andrew Langston. He applied for an FM license in 1960. Despite being a successful businessman, Langston could not receive a loan from the bank and had to use his own money to finance the endeavor.<sup>63</sup> It took him more than 13 years to obtain a permit. His station finally began broadcasting in 1974.<sup>64</sup> WDKY 103.9 FM continues to serve the Rochester, NY community today. As I learned from Docket 80-90 owners and will explain in chapter 8 of this dissertation, Langston's experience was not unique.

## 1.2 Purpose of Dissertation

This dissertation explores the origins of Docket 80-90, which harkens back to the mid-1970s and requests to the FCC from two ordinary people looking to expand the FM band. This dissertation also tells the stories of nine African Americans who owned and operated Docket 80-90 stations. These owners provided job opportunities and, in some cases, introduced new formats with an emphasis on community news and cultural affairs programming and events.

In the second chapter, I review the sparse literature about Docket 80-90. I then turn my attention to the theories that undergird my research. I review the literature related to the political economy of the media, notions about the public interest, media ownership and why that matters, deregulation and who benefits, and the multiple players needed to create broadcast policy.

The third chapter is guided by the words of anthropologists Michel-Rolph Trouillot, Ann Laura Stoler, and literary scholar Saidya Hartman. I ask: How does one find the history of a

---

<sup>63</sup> Ivy Planning Group LLC, "Whose Spectrum Is It Anyway?: Historical Study of Market Entry Barriers, Discrimination and Changes in Broadcast and Wireless Licensing 1950 to Present" (Washington, D.C.: Prepared for The Office of General Counsel Federal Communications Commission, December 2000), 20.

<sup>64</sup> Ivy Planning Group LLC, "Whose Spectrum Is It Anyway?," 8.

person when all traces of that person no longer exist? What does one do when it is inconceivable to imagine a person's existence much less their impact? Others are but mere "traces" in archives where the balance of power belongs to the creator of the archives.<sup>65</sup> In this chapter, I take a critical look at historiography and the tensions that arise when using archival and oral history methods in writing the story of Docket 80-90. Chapter 3 also places this dissertation in the context of events that occurred during the 1960s. Those involved say this is key to understanding how events evolved in the 1970s when the FCC began listening to the complaints of minorities who were unhappy with the state of broadcast media. This chapter draws from several sources, including former FCC Chairman Charles D. Ferris, FCC Commissioners Nicholas Johnson, Tyrone Brown, Pluria W. Marshall Sr.—one the most outspoken proponents of minority broadcast ownership, and Docket 80-90 owner Evelyn Ray-Rogers, who worked for the Equal Employment Opportunity Commission (EEOC).

Chapter 4 uses information from the primary and secondary sources to tell the origin story of Docket 80-90. It examines the history of FM radio and why government officials thought dropping in new frequencies would be a good way to increase minority ownership. This chapter also takes an in-depth look at President Carter's vow to increase minority ownership and efforts by his administration to deal with the barriers to access that prevented African Americans from owning radio stations.

Chapter 5 details the FCC's adoption of Docket 80-90 and reviews comments from a concerned public. Some of this feedback focused on increasing minority broadcast ownership. Other comments were adamantly against it. By the time this rule was adopted, a different

---

<sup>65</sup> Rodney G. S. Carter, "Of Things Said and Unsaid: Power, Archival Silences, and Power in Silence," *Archivaria* 61 (2006), 222.

political party was in charge of the country. This chapter examines how this change impacted FCC policies.

Chapter 6 explores the dark side of this rule. The adoption of Docket 80-90 brought hopes for radio station ownership. It also created conditions ripe for get-rich-quick schemes. This chapter looks at the so-called “shadow applications” and “application mills” that sprung up across the country falsely guaranteeing people radio station ownership. This chapter also discusses the lengthy and expensive process to ownership, whose success was never guaranteed.

Chapter 7 details the experiences of the following nine Docket 80-90 owners: Faye Brown-Blackwell, Merrill “Butch” Charles, Emmie Jo Gamble, Ro Nita Hawes-Saunders, Art Mobley, Paula Nelson, Evelyn Ray and Morris Rogers, and Robert Short.

For decades, Black commercial radio ownership has held steady at two percent.<sup>66</sup> In the final chapter, I provide suggestions as to why this number remains constant and what can be done to remedy it. I also offer advice to lawmakers concerned about increasing minority broadcast ownership. In recent years, these lawmakers have discussed reinstating programs from the 1970s. Finally, I suggest recommendations for future research and provide the framework for an expansion of political economy of the media to specifically look at Black media.

---

<sup>66</sup> Federal Communications Commission, Media Bureau and Office of Economics and Analytics, “Sixth Report on Ownership of Broadcast Stations: FCC Form 323 and Form 323-E Ownership Data as of October 1, 2021” (January 2023).

## Chapter 2: Literature Review

Despite the fact that approximately 700 new FM stations were created with Docket 80-90 and this rule changed the landscape of radio, scholars have spent little time parsing out the particulars of this rule and whether or not any of the goals set by the FCC were actually achieved. In this chapter, I review the sparse literature on Docket 80-90. Then, I explore theories germane to my topic.

### 2.1 Docket 80-90 Scholarship

As a participant-observer, Andrew Raymond Reeves's 1993 master's thesis recounts his failed attempt at winning one of the 15 Docket 80-90 allotments assigned to Tennessee.<sup>1</sup> Reeves says he was unable to determine if minorities won any of the licenses in the Volunteer state. Meanwhile, Linda Weintraut and Jane R. Nolan focus on the Docket 80-90 allotments in Indiana and point out that several White-owned companies vying for the licenses were merely fronted by minorities and/or women so that the preference points for those two categories could be earned.<sup>2</sup>

Brigette Rouson reveals a very important fact: The FCC did not keep a record of the minorities who built these Docket 80-90 stations.<sup>3</sup> Rouson's piece was published 15 years after the federal government made increasing minority broadcast ownership a priority. Rouson finds that minorities wanting to build these stations had a particularly difficult time and initiatives

---

<sup>1</sup> Andrew Raymond Reeves, "FM Radio Spectrum Allocation: The History and Chronology of Changes in FCC Policy, Procedures and Rulemakings" (master's thesis, University of Tennessee Knoxville, 1993).

<sup>2</sup> Linda Weintraut and Jane R. Nolan, eds., *In the Public Interest: Oral Histories of Hoosier Broadcasters* (Indianapolis: Indiana Historical Society, 1999).

<sup>3</sup> Brigette Rouson, "Changing Channels: People of Color Pushed to Buy TV and Radio Stations During the 1980s. So Why Are the Media Still so White?," *Southern Exposure: A Journal of Politics and Culture* XX, no. 4 (Winter 1992): 18–21.

adopted by the FCC in the late 1970s, such as the Minority Tax Certificate, did little to increase minority broadcast ownership. She reasons that “regulatory delays and an inhospitable marketplace have combined to undercut the promise of the new technologies, leaving African Americans with few radio and television stations of their own.”<sup>4</sup>

Both Laurence B. Alexander and Honig, however, find that part of the fault lies at the feet of the daytimer enhancement.<sup>5</sup> Daytimers own radio stations that broadcast from sunup to sundown. In addition to providing preference points to local residents, minorities, women and those with previous radio experience, the FCC decided to give extra weight to daytimers who applied for the new frequencies. The daytimer stations were almost all-White owned. Honig argues the move negated whatever benefits the minority preference would have made because daytimers could accrue enough points to ensure that the minority “would lose a comparative hearing overwhelmingly.”<sup>6</sup> Furthermore, Honig says the FCC’s move was based on the premise of a “bizarre and completely unsupported theory that operation of a station that signs off at sunset is somehow as predictive of public interest performance as ownership diversity.”<sup>7</sup> Meanwhile, Alexander highlights concerns that the National Association of Black Owned Broadcasters (NABOB) had for these daytimer preferences. NABOB officials said the preferences for daytimers would “undercut the Commission’s policy of increasing the number of

---

<sup>4</sup> Rouson, “Changing Channels,” 18.

<sup>5</sup> Laurence B. Alexander, “Update on the Minority Preference at the Federal Communications Commission, and Race Relations in the South,” *National Black Law Journal* 11, no. 2 (1988–90), 249–60; Honig, “FCC Suppressed Minority Broadcast Ownership.”

<sup>6</sup> Honig, “FCC Suppressed Minority Broadcast Ownership,” 80.

<sup>7</sup> Honig, “FCC Suppressed Minority Broadcast Ownership,” 78.



minority broadcasters” especially if the preference awarded was “too great.”<sup>8</sup> According to Alexander, the National Black Media Coalition (NBMC) filed an appeal with the United States Circuit Court of Appeals for the Second Circuit but the daytimer preference was upheld. Alexander says the court felt the FCC made the correct decision and “balance was struck in weighing the importance of improving the lot of daytimers with the policy of encouraging minority ownership.”<sup>9</sup>

Robert E. Balon asserts that Docket 80-90 was “ostensibly geared to increase minority ownership,” but “this did not occur.” While he does not provide any empirical evidence to support his claim, he does offer a critical take on what he maintains was the government’s failed attempt to legislate equality. Using Austin, TX as an example, he says the city and surrounding area quickly went from having approximately nine stations to 20. According to Balon, radio stations in cities and towns that received Docket 80-90 allotments found themselves out of business or struggling financially.<sup>10</sup> Gregory D. Newton also looks more broadly at why Docket 80-90 failed as a policy.<sup>11</sup> In a 2002 unpublished paper, an extension of his 2001 dissertation on localism,<sup>12</sup> Newton attributes its shortcomings to three problems: radio owners, many of whom were first-time operators, did not get the help they needed to remain operational; new

---

<sup>8</sup> Alexander, “Update on the Minority Preference,” 257.

<sup>9</sup> Alexander, “Update on the Minority Preference,” 258.

<sup>10</sup> Robert E. Balon, *The New Rules of the Ratings Game* (Washington, DC: National Association of Broadcasters, 1995), 141.

<sup>11</sup> Gregory D. Newton, “Localism Reconsidered: The Lessons of Docket 80-90 and Low Power FM,” in *Proceedings of the Annual Meeting of the Association for Education in Journalism and Mass Communication (85th, Miami, Florida, August 5–8, 2002)*. Law Division (Miami, FL: Association for Education in Journalism and Mass Communication, 2002), 210–47.

<sup>12</sup> Gregory David Newton, “Localism Considered...and Reconsidered” (PhD diss., Indiana University, 2001), 2.

“ownership limits”<sup>13</sup> empowered conglomerates to target radio operators in smaller markets and stage “takeovers”<sup>14</sup>; and the untimely economic downturn, which occurred almost simultaneously, hurt many of these new business owners. Kristal Brent Zook and Eric Klinenberg provide an example of one such “takeover.” Robert Short was forced to sell his Syracuse FM radio station because he could not compete with Clear Channel, which achieved overwhelming control in the FM market. Because Docket 80-90 was not the focus of these works, the authors do not identify Short as a Docket 80-90 owner, but my research indicates that he was.<sup>15</sup>

Thomas C. Durfey and James A. Ferrier focused on religious broadcasters who expressed interests in building and operating Docket 80-90 stations. Their book is important to mention because the authors explain the process for applying for one of the new FM frequencies. It includes instructions on obtaining an engineer and conducting the proper studies in advance of filing an application with the FCC.<sup>16</sup>

Among the authors who detail the technical parameters of Docket 80-90 are F. Leslie Smith; Lynne S. Gross; Smith, Milan D. Meeske, and John W. Wright III; Kenneth Creech; and

---

<sup>13</sup> Newton, “Localism... Lessons of Docket 80-90,” 19.

<sup>14</sup> Newton, "Localism... Lessons of Docket 80-90," 36.

<sup>15</sup> Kristal Brent Zook, *I See Black People: The Rise and Fall of African American-Owned Television and Radio* (New York: Nation Books, 2008); Eric Klinenberg, *Fighting for Air: The Battle to Control America's Media* (New York: Metropolitan Books, 2007).

<sup>16</sup> Thomas C. Durfey and James A. Ferrier, *Religious Broadcast Management Handbook* (Grand Rapids, MI: Academie Books, 1986).

Michael C. Keith. There are a number of other authors who wrote radio and telecommunications books published in the late 1980s and early 1990s.<sup>17</sup>

## 2.2 Theory and the Historian

According to David R. Spencer, theory in historical research provides “a framework through which the investigation and results can come alive off the page,” but he advises journalism and media historians to use theory with great care.<sup>18</sup> With that in mind, I explain the theoretical underpinnings that guide this dissertation.

## 2.3 Critical Race Theory

For years, African Americans decried the pervasive racism inherent at the FRC and FCC. When President Jimmy Carter was elected in 1976, he made the broader goal of increasing minority ownership of all broadcast facilities a priority. The next year, in 1977, a two-day conference was held at the FCC to discuss barriers to entry. Participants determined that racism stymied the efforts of African Americans to enter ownership.<sup>19</sup> While broadcast industry experts, citizens groups, and concerned individuals were in Washington, DC taking up these issues and looking for ways to

---

<sup>17</sup> F. Leslie Smith, *Perspectives on Radio and Television: Telecommunication in the United States* (New York: Harper & Row, 1985); Lynne S. Gross, *Telecommunications: An Introduction to Electronic Media*, 3rd ed. (Dubuque, IA: W.C. Brown, 1988); F. Leslie Smith, Milan D. Meeske, and John W. II. Wright, *Electronic Media and Government: The Regulation of Wireless and Wired Mass Communication in the United States* (White Plains, NY.: Longman Publishers, 1995); Kenneth Creech, *Electronic Media Law and Regulation*, 2nd ed. (Boston: Focal Press, 1996); Michael C. Keith, *Keith's Radio Station: Broadcast, Internet, and Satellite*, 8th ed. (Burlington, MA: Focal Press, 2010).

<sup>18</sup> David R. Spencer, “To Theorize or Not to Theorize,” *American Journalism* 22, no. 1 (2005), 142.

<sup>19</sup> Federal Communications Commission, “Minority Ownership in Broadcasting” (Washington, D.C, May 17, 1978).

mitigate them, professor and attorney Derrick Bell was assessing the impact that racism had at all rungs of society—especially in the judiciary system.<sup>20</sup>

The foundation of Critical Race Theory (CRT) is rooted in legal studies and emerged in the 1970s when Bell began pointing out a series of unsettling connections and throughlines between how the law treated African Americans and other people of color.<sup>21</sup> Bell noticed that the legal system not only prejudiced Blacks trying to use the law for protection but also prevented African Americans from entering the field. Those who did, found little in the way of support.<sup>22</sup> Even more concerning was the fact that legal precedent and advances during the Civil Rights movement were being overturned at an alarmingly quick rate.

CRT was given a name by Kimberlé Crenshaw in the late 1980s when a group of law students and professors gathered to discuss issues and limits with civil rights law. CRT foregrounds the role of racism in society by featuring several key components. First, racism is embedded into the very fabric of our lives. Because of this, racism looks normal, “ordinary, and natural.”<sup>23</sup> Second, racism is difficult to dismantle. The idea of a color-blind society is shortsighted because it does not consider the decades of discrimination experienced by African Americans.<sup>24</sup> Crenshaw says it is important to understand how and why racism and White supremacy were created and why there is

---

<sup>20</sup> Cornel West, “Foreword,” in *Critical Race Theory: The Key Writings That Formed the Movement*, ed. Kimberlé Crenshaw et al. (New York: New Press, 1995), xi–xii.

<sup>21</sup> West, “Foreword.”

<sup>22</sup> Linda S. Greene, “Critical Race Theory: Origins, Permutations, and Current Queries,” *Wisconsin Law Review*, no. 2 (2021), 259–68.

<sup>23</sup> Richard Delgado and Jean Stefancic, *Critical Race Theory: The Cutting Edge*. 2nd ed. (Philadelphia: Temple University Press, 2000).

<sup>24</sup> Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction*, Third edition, Critical America (New York: NYU Press, 2017).

little effort by the majority population to demolish it.<sup>25</sup> Wealthy Whites and working-class Whites benefit from it and have little desire to get rid of it. Bell says: “Whites of widely varying socio-economic status employ White supremacy as a catalyst to negotiate policy differences, often through compromises that sacrifice the rights of Blacks.”<sup>26</sup> Third, race is a social construct, and there is no true or factual basis for their existence (biological or otherwise). Fourth, the perception of minority groups changes with time “in response to shifting needs.” This means Whites may define a group as “happy-go-lucky, simpleminded,” at one point or “menacing, brutish, and out of control”<sup>27</sup> at another. Another key precept of CRT is intersectionality. Intersectionality explains why Black women are doubly oppressed. Crenshaw says race and gender are not “mutually exclusive categories of experience”<sup>28</sup> but instead intersect. For Black women, this results in more marginalization. Crenshaw explains: “The intersection of racism and sexism factors into Black women’s lives in ways that cannot captured wholly by looking at the race or gender dimensions of those experiences separately.”<sup>29</sup> Furthermore, she says African American women are “erased” and “sometimes excluded from feminist theory and antiracist policy discourse because both are predicated on a discrete set of experiences that often does not

---

<sup>25</sup> Kimberlé Crenshaw et al., eds., “Introduction,” in *Critical Race Theory: The Key Writings That Formed the Movement* (New York: New Press, 1995), xiii.

<sup>26</sup> Derrick Bell, “White Superiority in America: Its Legal Legacy, Its Economic Costs,” *Villanova Law Review* 33, no. 5 (1988), 768.

<sup>27</sup> Delgado and Stefancic, *Critical Race Theory*, 8.

<sup>28</sup> Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum*, vol. 1989, no. 1, article 8, 139.

<sup>29</sup> Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43, no. 6 (1991), 1244.

accurately reflect the interaction of race and gender.”<sup>30</sup> The lived experiences of Black women are markedly different from those of Black men and White women. The last tenet revolves around “legal storytelling” and the ability of Blacks and other people of color to tell their stories and narratives to recount instances of racism and discrimination. It aids in understanding “how Americans see race.”<sup>31</sup>

Richard Delgado and Jean Stefancic note that CRT “not only tries to understand our social situation, but to change it....”<sup>32</sup> CRT and intersectionality are transformational. These theories are applicable across disciplines, at various times, and in many situations<sup>33</sup>—including journalism, media, and telecommunications studies. Delgado and Stefancic call CRT a “movement.”<sup>34</sup>

#### 2.4 Political Economy of the Media

Americans have always had an entrepreneurial spirit and government and businesses have been intrinsically linked in this country, says Richard Lehne.<sup>35</sup> Those connections intersect at the heart of political economy. Nina Windgätter says political economy concerns itself with the way society produces goods, how those goods are dispensed, the relationship between those

---

<sup>30</sup> Crenshaw, “Demarginalizing the Intersection of Race and Sex,” 140.

<sup>31</sup> Delgado and Stefancic, *Critical Race Theory*, 45.

<sup>32</sup> Delgado and Stefancic, *Critical Race Theory*, 3.

<sup>33</sup> Devon W. Carbado et al., “INTERSECTIONALITY: Mapping the Movements of a Theory,” *Du Bois Review* 10, no. 2 (Fall 2013), 303–12, <https://doi.org/10.1017/S1742058X13000349>.

<sup>34</sup> Delgado and Stefancic, *Critical Race Theory*, 3.

<sup>35</sup> Richard Lehne, *Government and Business: American Political Economy in Comparative Perspective*, (New York, NY: Chatham House Publishers, 2001).

two processes and the laws or institutions that govern them.<sup>36</sup> Political economy of the media, therefore, studies these “power relationships” as they pertain to what Vincent Mosco calls “communication resources.”<sup>37</sup> Communications and media are often considered one in the same and are used interchangeably. Robert W. McChesney says political economy of the media bridges “how media and communication systems and content are shaped by ownership, market structures, commercial support, technologies, labor practices, and government policies.” According to McChesney, one issue is how the media supports, defies or impacts “existing class and social relations.” A second aspect concerns itself with “how ownership, support mechanisms (e.g. advertising), and government policies influence media behavior and content.”<sup>38</sup> It is this second dimension that applies to this dissertation and the connection between power, the media, and the public.

Brinson provides an excellent example of this theory in action. She writes: “Broadcast radio was constructed as a commercial enterprise... built on the foundation of making money.” Furthermore, its business model relies on “network systems,” ad sales, and programs that will generate cash. She then highlights the government’s positionality as “the sole power to determine who receive[s] the valuable licenses and frequency assignments.”<sup>39</sup> McChesney affirms that this structure has almost always been the norm, but he says that in the early days of radio, most stations were not making money. According to McChesney, the airwaves were full of radio

---

<sup>36</sup> Nina Windgäetter, “Political Economy,” University of New Hampshire Lecture, accessed February 5, 2024, [https://media.unh.edu/media/Political+Economy/1\\_745wop0i/281660562](https://media.unh.edu/media/Political+Economy/1_745wop0i/281660562).

<sup>37</sup> Vincent Mosco, *The Political Economy of Communication*, 2nd ed. (Los Angeles: SAGE, 2009), 37.

<sup>38</sup> R. W. McChesney, “The Political Economy of Communication and the Future of the Field,” *Media Culture and Society* 22, no. 1 (2000), 110.

<sup>39</sup> Brinson, “Radio Cultures,” 9.

stations operated by colleges and universities. When the FRC decided to create powerful clear channel frequencies and essential force broadcasters to fight for the airwaves, nonprofit radio stations were almost forced off the air. They could not compete with commercial stations. Citizens groups fought the FRC but failed in their challenge against the more powerful NBC, CBS, NAB, and members of Congress. McChesney makes it clear that the current for-profit structure was the result of “conflict in which there were clear winners and losers.”<sup>40</sup> The winners were commercial broadcasters; the losers were public broadcasters. There are similar parallels in the fight to increase minority ownership through Docket 80-90. As later chapters of this dissertation will show, citizens groups were no match for changes in White House policy (between administrations), judicial action, powerful industry groups, and the need to fight for equality and society change. Mosco says McChesney’s work (as well as that of other scholars) is “distinguished by its concern to participate in ongoing social movements and oppositional struggles to change the dominant media and create alternatives and to advance public interest concerns before government regulatory and policy organs.”<sup>41</sup>

In 1978, Philip L. Beardsley asked: “**For whom** and **for what** should the government intervene in the economy?”<sup>42</sup> (Emphasis in the original text.) According to Craig, this question is the perfect for discussing minority broadcast ownership because it “relates to the idea of the government intervening on behalf of underrepresented groups that are denied access to capital

---

<sup>40</sup> Robert Waterman McChesney, *The Political Economy of Media: Enduring Issues, Emerging Dilemmas* (New York: Monthly Review Press, 2008), 179.

<sup>41</sup> Vincent Mosco, “Political Economy,” in *The Routledge Companion to Global Popular Culture*, ed. Toby Miller (New York: Routledge, Taylor & Francis Group, 2015), 15.

<sup>42</sup> Philip L. Beardsley, “Toward a Synthesis of Conflicting Ideological Views Regarding the Political and Economic Dimensions of the American Political Economy: The Current System,” *Peace & Change* 5, no. 2/3 (October 1978), 12.



and resources”<sup>43</sup> McChesney acknowledges that the government plays a fundamental part in this process. He asks Beardsley’s question a different way: “in whose interests and for what values are government policies in communication meant to encourage?”<sup>44</sup> Meanwhile, Dallas W. Smythe proposed that question as follows: “1) Who gets what scarce goods and services, when, how, and where? 2) Who takes what actions in order to provide what scarce goods and services, when, how, and where?”<sup>45</sup> The short answer to these broad questions is simple yet complicated and will be answered in this dissertation at length. For now, this quick answer will suffice: It depends on the goals of the administration in power. That, Brinson says, is the reason minority ownership has faltered consistently and spectacularly for decades.<sup>46</sup>

## 2.5 Stratification

Sociologist Douglass Massey posits: “Stratification refers to the unequal distribution of people across social categories that are characterized by different access to scarce resource.”<sup>47</sup> Smythe says this “goes to the heart of the ‘for whom’” in the question posed above. In the field

---

<sup>43</sup> Richard T. Craig, *African Americans and Mass Media: A Case for Diversity in Media Ownership* (Lanham, Maryland: Lexington Books, 2014), 65.

<sup>44</sup> Robert W. McChesney, “The Political Economy of International Communications,” in *Who Owns the Media? Global Trends and Local Resistances*, ed. Pradip Thomas and Zaharom Nain (London; New York: Penang, Malaysia: New York: Zed Books; Southbound; Distributed exclusively in the US by Palgrave, 2004), 3–22.

<sup>45</sup> Dallas W. Smythe, “On the Political Economy of Communications,” *Journalism Quarterly* 37, no. 4 (December 1, 1960), 564.

<sup>46</sup> Brinson, “Radio Cultures.”

<sup>47</sup> Douglas S. Massey, *Categorically Unequal: The American Stratification System*, A Russell Sage Foundation Centennial Volume (New York: Russell Sage Foundation, 2007), 1.

of communications, this apportionment is best seen in the broadcast system in the United States<sup>48</sup> and with the distribution of radio licenses.

Keeping that in mind, there are formal and informal rules in society that govern markets, Massey explains. These “informal rules are unwritten codes of conduct and practice that are implicitly understood by market participants and reinforced through mechanisms of enforceable trust such as... exclusion, and ostracism.” In the not-so-distant past, Jim Crow laws and racist norms prevented African American from fully participating in almost all facets of society—including, and most importantly for this research, broadcast ownership where de facto racism was prevalent. According to Massey, most industries operate under the auspices of “formal and informal mechanisms.”<sup>49</sup> Media industries are no different.

As I show later in this dissertation, many of the conversations that led to radio station sales were conducted in spaces where African Americans were not allowed (e.g., certain golf courses and country clubs). The federal government passed laws in the 1960s that addressed inequality, but implicit bias was hard to defeat. The “good old boy” system was discriminatory but because it was not a formal law, and it was not illegal, there was little legal recourse to counter it.

To that end, “Congress has tried to remedy these economic disparities by giving minorities preferences for various forms of ownership.... [T]he Federal Communications

---

<sup>48</sup> Dallas W. Smythe, “Radio: Deregulation and the Relation of the Private and Public Sectors,” *Journal of Communication* 32, no. 1 (March 1, 1982), 565, <https://doi.org/10.1111/j.1460-2466.1982.tb00489.x>.

<sup>49</sup> Massey, *Categorically Unequal*, 21.

Commission (FCC) has implemented minority preference programs”<sup>50</sup> to encourage ownership. As such, Jeffrey Layne Blevins and Karla Martinez view “minority broadcast ownership as a civil rights issue.” They explore “how politics have continued to affect the issue of minority broadcast ownership.”<sup>51</sup> Mario L. Baeza points out that “minorities would probably not own or operate any broadcast stations today if it were not for direct and indirect federal economic assistance, coupled with a strong policy of affirmative action.”<sup>52</sup> This intervention has at times come in the form of regulation and, so, I will discuss this next.

## 2.6 Regulation and the Radio Spectrum

Because of its “very nature,” R. Terry Ellmore writes that “broadcasting requires regulation of its physical aspects.”<sup>53</sup> According to Robert Britt Horwitz, “regulation emerged in the twentieth century as a political institution to address new, systemic economic and social problems.”<sup>54</sup> According to Aitken, radio regulation came about due to maritime demands. He explains that it was needed to ensure the safety of ships and other watercraft.<sup>55</sup> For decades, researchers such as Harvey J. Levin, William H. Melody, Kenneth Robinson and Christian A. Herter Jr. have pointed out that the radio spectrum, through which these frequencies and others

---

<sup>50</sup> “Forty Megahertz and a Mule: Ensuring Minority Ownership of the Electromagnetic Spectrum,” *Harvard Law Review* 108, no. 5 (1995), 1145.

<sup>51</sup> Jeffrey Layne Blevins and Karla Martinez, “A Political-Economic History of FCC Policy on Minority Broadcast Ownership,” *Communication Review* 13, no. 3 (July 2010), 217.

<sup>52</sup> Mario L. Baeza, “Telecommunications Reregulation and Deregulation: The Impact on Opportunities for Minorities,” *Blackletter Journal* 2 (1985), 8.

<sup>53</sup> R. Terry Ellmore, *Broadcasting Law & Regulation* (Blue Ridge Summit, PA: Tab Books, 1982), vi.

<sup>54</sup> Robert Britt Horwitz, *The Irony of Regulatory Reform: The Deregulation of American Telecommunications* (New York: Oxford Univ. Pr., 1990), 9.

<sup>55</sup> Aitken, “Allocating the Spectrum.”

are carried, are a finite natural resource and are an invaluable resource to society.<sup>56</sup> In Levin's view, the spectrum is virtually priceless due to its "great economic and social value [and that] market considerations still play almost no part in its allocation."<sup>57</sup> As stated earlier in this research, the airwaves are free; they belong to the public, but the government regulates licenses. Charles H. Tillinghast notes that "The government... polices the spectrum, preventing signal interference with broadcasters' transmissions."<sup>58</sup>

But as Thomas H. Guback wrote in 1968: "The radio spectrum is limited, and there is not enough room to accommodate everyone who wants to broadcast."<sup>59</sup> Creech says this theory of a finite spectrum is the reason for broadcast regulation.<sup>60</sup> Ellmore agrees: "[The] very nature of broadcasting requires regulation of its physical aspects."<sup>61</sup> Aitken does an excellent job explaining this:

Spectrum is scarce in the sense that there is not enough of it to give all potential users all they want.... There is, therefore, a problem of distribution. Spectrum has to be rationed. Rationing can be accomplished either through markets... or through some form of governmental or community-based system of allocation.<sup>62</sup>

---

<sup>56</sup> Harvey J. Levin, "Economic Effects of Broadcast Licensing," *Journal of Political Economy* 72, no. 2 (April 1964), 1, <https://doi.org/10.1086/258884>; William H. Melody, "Radio Spectrum Allocation: Role of the Market," *The American Economic Review* 70, no. 2 (1980), 393–97; Kenneth Robinson, "Some Thoughts on Broadcasting Reform Airwaves for Sale," *Regulation* 7, no. 3 (1983), 17–50; Christian A. Herter Jr., "The Electromagnetic Spectrum: A Critical Natural Resource," *Natural Resources Journal* 25, no. 3 (1985), 651–64.

<sup>57</sup> Levin, "Economic Effects of Broadcast Licensing," 1.

<sup>58</sup> Charles H. Tillinghast, *American Broadcast Regulation and the First Amendment: Another Look* (Ames, IA: Iowa State University Press, 2000), xiv.

<sup>59</sup> Thomas H. Guback, "Political Broadcasting and Public Policy Issues in Broadcasting," *Journal of Broadcasting* 12, no. 3 (1968), 192.

<sup>60</sup> Creech, *Electronic Media Law and Regulation*, 80.

<sup>61</sup> Ellmore, *Broadcasting Law & Regulation*, vi.

<sup>62</sup> Aitken, "Allocating the Spectrum," 686–97.

McChesney posits: “When broadcasting came along the government allocated monopoly rights to extraordinarily valuable spectrum.”<sup>63</sup> However, Ellmore warns that the programming is what is most valuable.<sup>64</sup> Patricia Aufderheide’s assessment is very blunt: “[M]edia is about the most expensive real estate of all, the real estate inside your head. It’s about how you understand the world.”<sup>65</sup> As the bearer of this responsibility, the government can require “certain obligations to serve the public interest.”<sup>66</sup> But what is “the public interest”? I address this next.

## 2.6 The Public Interest Explained

In 1938, Franklin Dunham, who worked at NBC and would later serve as the chief of Radio and Television of the United States Office of Education, wrote an essay titled “Democracy and the Radio.” In the piece, he makes several grand claims about radio that were tone deaf and exclusionist. His first assertion is that “radio reflects the life of the nation.”<sup>67</sup> Dunham is correct; radio in the 1930s and for many years thereafter mirrored *one* aspect of the country, but it severely misrepresented and offended other segments of society. This contributes to what Marilyn Fife calls “the ‘invisible man’ tendency of American culture which neither value[s] nor acknowledge[s] communities of colour.”<sup>68</sup> Dunham also declares: “Radio honestly strives to not

---

<sup>63</sup> McChesney, “The Political Economy of International Communications,” 4.

<sup>64</sup> Ellmore, *Broadcasting Law & Regulation*.

<sup>65</sup> Patricia Aufderheide, “Filtering the Media Smog: Researching the Public Interest in the Media Environment,” in *Media Ownership: Research and Regulation*, ed. Ronald E. Rice, Hampton Press Communication Series, New Media, Policy and Research Issues Subseries (Cresskill, NJ: Hampton Press, 2008), 54.

<sup>66</sup> Tillinghast, *American Broadcast Regulation and the First Amendment*, xiv.

<sup>67</sup> Franklin Dunham, “Democracy and the Radio,” *The Public Opinion Quarterly* 2, no. 1 (1938), 77.

<sup>68</sup> Marilyn Fife, “Promoting Racial Diversity in US Broadcasting: Federal Policies versus Social Realities,” *Media, Culture & Society* 9, no. 4 (October 1987), 484.

only to present two points of view on any subject brought to its forums, but as many points of view as there are, or at least can articulate.”<sup>69</sup> Because broadcasting has great power, Dan Schiller writes: “Media systems are indispensable components of cognition and opinion formation....”<sup>70</sup> Civil rights activists recognized this and as Fife points out began to focus on issues of policy making understanding that radio “was a regulated business with a legislated mandate to serve the public.”<sup>71</sup>

Former NAB chief executive officer (CEO) Edward O. Fitts says that “programming in the ‘public interest, convenience or necessity,’” which was first written in the Communications Act of 1934 and is still understood today “is a way of broadcast life.”<sup>72</sup> He says this becomes apparent in the way broadcasters respond “to the needs and interests of the local community, contributing to discussion of important issues, presentation of high-quality programming, or encouragement of free speech.”<sup>73</sup> Nowhere is this better illustrated than on the FCC’s website in a manual titled “The Public and Broadcasting.” The second paragraph of the “Introduction” states the need to serve the public interest:

[I]n exchange for obtaining a valuable license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the “public interest, convenience and necessity.” Generally, this means it must air programming that is responsive to the needs and problems of its local community of license. To do this, each non-exempt station licensee must identify the needs and

---

<sup>69</sup> Dunham, “Democracy and the Radio,” 77.

<sup>70</sup> Dan Schiller, “Foreword,” in *Public Broadcasting and the Public Interest*, ed. Michael P. McCauley, B. Lee Artz, and Deedee Halleck (Routledge, 2016), xi.

<sup>71</sup> Fife, “Promoting Racial Diversity in US Broadcasting,” 484.

<sup>72</sup> Edward O. Fitts, “Broadcasters and the Public Interest,” in *Public Interest and the Business of Broadcasting: The Broadcast Industry Looks at Itself*, ed. Jon T. Powell and Wally Gair (New York: Quorum Books, 1988), 53.

<sup>73</sup> Fitts, “Broadcasters and the Public Interest,” 53.

problems and then specifically treat these local matters in the news, public affairs, political and other programming that it airs.<sup>74</sup>

Creech maintains, the supposition that “broadcasters are required to operate in the public interest [rests with the fact] that they are public trustees of the airwaves.”<sup>75</sup> However, Aufderheide provides a critical critique calling the notion of the public interest “a phrase of art, and deliberately a loose one.”<sup>76</sup> Erwin Krasnow and Jack N. Goodman observe this mandate is “a vague oft-repeated Holy Grail clause.”<sup>77</sup> For example, former FCC Chairman Mark Fowler told an audience at the Administrative Law Review Symposium at American University: “The public interest would define the public interest.”<sup>78</sup>

According to Cindy Rainbow, the FCC’s guidance in 1960 specified the following items to help meet its public interest standard:

(1) opportunity for local self-expression, (2) the development and use of local talent, (3) programs for children, (4) religious programs, (5) educational programs, (6) public affairs programs, (7) editorialization by licensees, (8) political broadcasts, (9) agricultural programs, (10) news programs, (11) weather and market reports, (12) sports programs, (13) service to minority groups, (14) entertainment programs.<sup>79</sup>

---

<sup>74</sup> “The Public and Broadcasting,” FCC.gov, accessed January 10, 2023.

<sup>75</sup> Creech, *Electronic Media Law and Regulation*, 80.

<sup>76</sup> Patricia Aufderheide, *Communications Policy and the Public Interest: The Telecommunications Act of 1996*, The Guilford Communication Series (New York: Guilford Press, 1999), 13.

<sup>77</sup> Erwin G. Krasnow and Jack N. Goodman, “The Public Interest Standard: The Search for the Holy Grail,” *Federal Communications Law Journal* 50, no. 3 (1997), 606.

<sup>78</sup> Mark S. Fowler, “Lessons from Broadcast Regulation for the Twenty-First Century: A Symposium, (comments: Administrative Law Review Symposium), American University Washington College of Law, April 16, 2013,” *Administrative Law Review* 65, no. 3 (2013), 737.

<sup>79</sup> Cindy Rainbow, “Radio Deregulation and the Public Interest: Office of Communication of the United Church of Christ v. Federal Communications Commission Comment,” *Cardozo Arts & Entertainment Law Journal* 4, no. 1 (1985), 175.

Despite this guidance, there is much room left for interpretation. Stuart H. Surlin, Loy Singleton, Fife, Barlow, Brian Ward, Honig and others have shown that historically, White broadcasters have not been concerned about providing any sort of substantive coverage of the Black community.<sup>80</sup> Former NTIA head Henry Geller provides as an example the suspended license renewal of WLBT-TV in Jackson, MI.<sup>81</sup> Eventually, Krasnow, Lawrence D. Longley, and Herbert A. Terry say the station was found to have “discriminated against its Black viewers, who constituted 45 percent of the city of Jackson.”<sup>82</sup> Instead, Ferretti and other scholars mentioned in this section conclude, profits have driven many of their programming decisions.<sup>83</sup> Anthony A. Adams, in his Ohio case study, observed, the broadcasters thought the programming needs of minorities “were not consistent with the general public interest.”<sup>84</sup> According to Donald K. Hill, overlooking this segment of the audience is inexcusable. He admonishes: “If... the public

---

<sup>80</sup> Stuart H. Surlin, “Broadcasters’ Misperceptions of Black Community Needs,” *Journal of Black Studies* 4, no. 2 (December 1973), 185–93; Loy A. Singleton, “Insights: Unintended Onus: How FCC Ownership Policy Handicaps Minority Broadcasters,” *Journal of Policy Analysis and Management (Pre-1986)* 1, no. 4 (Summer 1982), 538; Marilyn Diane Fife, “FCC Policy on Minority Ownership in Broadcasting: A Political Systems Analysis of Regulatory Policymaking,” *ProQuest Dissertations and Theses* (PhD diss., Ann Arbor, Stanford University, 1984); William Barlow, *Voice Over: The Making of Black Radio* (Philadelphia, PA: Temple University Press, 1999); Brian Ward, *Radio and the Struggle for Civil Rights in the South, New Perspectives on the History of the South* (Gainesville: University Press of Florida, 2004); Honig, “FCC Suppressed Minority Broadcast Ownership.”

<sup>81</sup> Henry Geller, “Broadcasting and the Public Trustee Notion: A Failed Promise Symposium: The 1986 Federalist Society National Meeting,” *Harvard Journal of Law & Public Policy* 10, no. 1 (1987), 87–90.

<sup>82</sup> Erwin G. Krasnow, Lawrence D. Longley, and Herbert A. Terry, *The Politics of Broadcast Regulation*, 3rd ed (New York: St. Martin’s Press, 1982), 55.

<sup>83</sup> Ferretti, “The White Captivity of Black Radio.”

<sup>84</sup> Anthony A. Adams, “Broadcasters’ Attitudes toward Public Responsibility: An Ohio Case Study Ascertainment of Community Needs,” *Journal of Broadcasting* 16, no. 4 (1971–72), 418.



interest is to be determined by the needs, taste and interest of a community [disregarding them is] antithetical to the spirit and letter of the law.”<sup>85</sup>

Fitts highlights “a special obligation to provide information and service to the local audience.”<sup>86</sup> The FCC clearly stated this in 1978:

Adequate representation of minority viewpoints in programming serves not only the needs and interests of the minority community but also enriches and educates the non-minority audience. It enhances the diversified programming which is a key objective not only of the Communications Act of 1934 but also of the First Amendment.<sup>87</sup>

How do public interest considerations change when thinking about ownership? I will address this question now.

### 2.7 Media Ownership: Does it Matter?

The Kerner Commission determined that the media failed to communicate the truth about race relations to both White and Black communities.<sup>88</sup> The report harshly critiqued how the mainstream media covered Blacks concluding, White media outlets “have not shown understanding or appreciation of—and thus have not communicated—a sense of Negro culture, thought, or history.”<sup>89</sup> The Kerner Commission will be discussed at great length in chapter four. How does the content seen on television or heard on the radio shape people’s views and opinions of their community, state, and country? Does media ownership have any bearing on what will be

---

<sup>85</sup> Donald K. Hill, “The Broadcast Industry and Black Cultural Restitution,” *The Review of Black Political Economy* 1, no. 2 (September 1970), 96.

<sup>86</sup> Fitts, “Broadcasters and the Public Interest,” 53.

<sup>87</sup> Statement of Policy on Minority Ownership of Broadcast Facilities, Public Notice, F.C.C. 2d 979, May 25, 1978.

<sup>88</sup> National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission*, 210.

<sup>89</sup> National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission*.

shown on television or the radio? As Brinson notes, the FCC distributes the licenses and frequencies, and because the agency controls who gets to own a station, it in directly impacts content because the owner in turn controls what to air.

In 1980, there were a total of 456 million working radio sets in the country.

Approximately 99 percent of homes had one radio and the average family owned six radios!<sup>90</sup>

Jon Margolis wrote:

They listen in bed and in the bathtub, in the kitchen and in the car, in their offices and at the beaches.... Americans wake up with radio. It tells them if it's going to rain or shine that day and what big news event, if any, happened overnight. And about half of all Americans go to bed with radio, listening to it until just before or even as they go to sleep.<sup>91</sup>

Similarly, Douglas Gomery points out that most homes in America had at least five radios, and the average person listened to it for three or more hours a week including, eventually, on their Walkmans.<sup>92</sup>

Does ownership matter? To whom? Those were the questions Benjamin M. Compaine asked in 1994. The 84 million listeners mentioned above translate to add sales, votes, and as Compaine points out, to our national culture and identity. His answer, while nuanced, concluded that ownership does matter in terms of publicly funded stations. However, a correlation between

---

<sup>90</sup> "There Are 456.2 Million," *Television Digest*, May 26, 1980.

<sup>91</sup> Jon Margolis, "Touch That Dial: Television May Have Pictures, but Americans More Time with Their Radios than You Can Imagine," *Chicago Tribune*, August 18, 1985, sec. 10, G21.

<sup>92</sup> Douglas Gomery, "Radio Broadcasting and the Music Industry," in *Who Owns the Media? Concentration of Ownership in the Mass Communications Industry*, ed. Benjamin M. Compaine, 3rd ed., Communications Library (White Plains, NY: Knowledge Industry Publications, 1982).

ownership and programming on commercial stations was inconclusive based on what little research had been done at the time.<sup>93</sup>

Danilo Yanich determined that more local and community news stories were covered by TV stations not owned and operated by one of the major networks—ABC, CBS, NBC or FOX.<sup>94</sup> Meanwhile, Zook emphatically states: “Ownership matters.” She notes: “Study after study has shown that minority broadcast owners report more local news, have more diverse hiring and management and server their communities better.” When minorities are not present, Honig says, their absence has “profound consequences.”<sup>95</sup> Zook also writes: “Media ownership matters... because the perceptions and life experiences of people of color are often wildly divergent from those of the general public.”<sup>96</sup>

Political economist Oscar H. Gandy maintains the impact is great. In his book *Communication and Race*, Gandy investigates the role media outlets play in reproducing racism. He makes this pointed statement: “The mass media are the primary source of... indirect or direct mediated experiences; thus, we cannot doubt that the media play an active role in the reproduction of racism.”<sup>97</sup> He says ownership is of great concern “because of the amount of

---

<sup>93</sup> Benjamin M. Compaine, “The Impact of Ownership on Content: Does It Matter,” *Cardozo Arts & Entertainment Law Journal* 13, no. 3 (1995), 755–80.

<sup>94</sup> Danilo Yanich, “Does Ownership Matter? Localism, Content, and the Federal Communications Commission,” *Journal of Media Economics* 23, no. 2 (2010), 51–67.

<sup>95</sup> Honig, “FCC Suppressed Minority Broadcast Ownership,” 46.

<sup>96</sup> Zook, *I See Black People*, xvii.

<sup>97</sup> Oscar H. Gandy, *Communication and Race: A Structural Perspective*, Communication and Critique (London: Arnold, 1998), 155.

power and influence... owners exercise over media organizations.”<sup>98</sup> Furthermore, Gandy writes: “Media have been operated as a medium of resistance and solidarity for populations that have been the victims of racism.”<sup>99</sup>

Adeno Addis contends: “The mainstream media has played an enormous role in the invention and reproduction of what the majority culture regards as the African American character.”<sup>100</sup> When thinking about the idea of the “invisible man [person]” mentioned by Fife, Addis’s words ring true that a “public identit[y]” of Blacks is “constructed in their absence.”<sup>101</sup> According to Donald K. Hill, Black people need “entry into the media to enhance their intracommunity, as well as intercommunity communications.”<sup>102</sup> Turning to the words of W.E.B DuBois, Addis observes: “African Americans are seen and treated as subjects of deliberation, rather than as deliberating subjects” which occurs when “stories about African Americans are largely told by others.”<sup>103</sup>

FCC Commissioner Geoffrey Starks drove this point home in his opening remarks at a one-day symposium sponsored by the FCC titled “Expanding Digital and Media Ownership Opportunities for Women and Minorities” on February 7, 2023. Starks told the in-person and online audience that representation in our media ecosystem is crucial to providing different

---

<sup>98</sup> Gandy, “*Communication and Race*,” 241.

<sup>99</sup> John Downing as quoted in Gandy, 148–49.

<sup>100</sup> Adeno Addis, “‘Hell Man, They Did Invent Us:’ The Mass Media, Law, and African Americans,” *Buffalo Law Review* 41, no. 2 (April 1, 1993), 526.

<sup>101</sup> Addis, 527.

<sup>102</sup> Donald K. Hill, “The Broadcast Industry and Black Cultural Restitution,” *The Review of Black Political Economy* 1, no. 2 (September 1970), 84.

<sup>103</sup> Addis, “‘Hell Man, They Did Invent Us,’” 528.

perspectives and points of view. He said: “[D]iversity in media ownership reaches far beyond a single company’s day-to-day environment. It directly impacts what stories are told, and who gets to tell them.”<sup>104</sup> The storyteller frames the issue and provides the lens through which people see, feel and experience the human condition. McChesney’s comments seem appropriate here. He emphasizes that “in nearly all variants of social and political theory that media and communication systems are cornerstones of modern societies. In political terms, they may serve to enhance democracy, or to deny it, or some combination of the two.”<sup>105</sup> The FCC most likely considered that when they wrote, in 1978:

[F]ull minority participation in the ownership and management of broadcast facilities results in a more diverse selection of programming. In addition, an increase in ownership by minorities will inevitably enhance the diversity of control of a limited resource, the spectrum.<sup>106</sup>

One consideration to remember, Gandy says provocatively, is that market conditions may present an environment where the owner is “constrained by economic realities.”<sup>107</sup> In other words, a lack of capital may override one’s desire to do good. Philip M. Napoli makes a very salient point by suggesting once these minority broadcast owners establish their businesses, policymakers might want to consider ways to help “maintain the financial viability of such outlets once they are established.”<sup>108</sup>

---

<sup>104</sup> Federal Communications Commission Public Notice, DA 23-53, GN Docket No. 17-208, January 20, 2023.

<sup>105</sup> McChesney, “The Political Economy of International Communications,” 3.

<sup>106</sup> Policy on Minority Ownership of Broadcast Facilities 1978.

<sup>107</sup> Gandy, *Communication and Race*, 241.

<sup>108</sup> Philip M. Napoli, “Audience Valuation and Minority Media: An Analysis of the Determinants of the Value of Radio Audiences,” *Journal of Broadcasting & Electronic Media* 46, no. 2 (June 2002), 181.

## 2.8 Deregulation: The Key to Minority Ownership?

Media, film, and communications scholar Hugh R. Slotten says a historical understanding of issues helps society grapple with current conundrums, and that is where the conversation about deregulation enters. The 1970s brought with it a wave of deregulatory reforms in the transportation and energy industries. Crain credits Presidents Gerald Ford and Carter with these changes noting that “Ford appointed pro-deregulation commissioners and convinced Congress to partially deregulate railroads and oil and gas. Jimmy Carter picked up where Ford left off.”<sup>109</sup> And while Martha Derthick and Paul J. Quirk indicate President Ford’s success in this area was fleeting, scholars point out, support for deregulation “became an issue whereby both Republicans and Democrats could find common ground.”<sup>110</sup>

According to Crain, Carter’s experience as a peanut farmer soured him on regulations,<sup>111</sup> and President Carter was determined to carry out deregulation. Cooper asserts that Carter moved aggressively to transform his commitment into policy.<sup>112</sup> Cooper credits President Carter with enacting such spectacular change that “economists came to occupy a central if not dominant importance”<sup>113</sup> in this arena. According to Kelly Boyer Sagert, the airline and banking industries

---

<sup>109</sup> Andrew Downer Crain, “Ford, Carter, and Deregulation in the 1970s,” *Journal on Telecommunications & High Technology Law* 5, no. 2 (2007), 415.

<sup>110</sup> Martha Derthick and Paul J. Quirk, *The politics of deregulation*, (Washington, DC: The Brookings Institution, 1985), 55, quoted in Reed W. Smith, “Charles Ferris: Jimmy Carter’s FCC Innovator,” *Journal of Radio & Audio Media* 21, no. 1 (January 2014), 152.

<sup>111</sup> Crain, “Ford, Carter, and Deregulation in the 1970s.”

<sup>112</sup> Phillip J. Cooper, *The War Against Regulation: From Jimmy Carter to George W. Bush*, Studies in Government and Public Policy (Lawrence, KS: University Press of Kansas, 2009), 15.

<sup>113</sup> Cooper, *The War Against Regulation*, 16.

were deregulated during Carter’s administration.<sup>114</sup> Despite this, R.W. Smith points out some well-respected academics have mistakenly credited Reagan’s FCC with these changes.<sup>115</sup> That is because, as Lawrence N. Redd states, “Deregulation fever... swept through the federal government during Ronald Reagan’s presidency in the 1980s.”<sup>116</sup> Some well-respected scholars have incorrectly given credit to President Reagan and his FCC chairman Mark Fowler for deregulating the communications industry “because of Fowler’s drastic changes to content-based regulation.”<sup>117</sup>

However, it was in the 1970s and 1980s that lawmakers and such began scrutinizing “regulatory policies established as early as the 1920s and 1930s for the broadcast industry.”<sup>118</sup> Reed W. Smith reasons that Carter “viewed deregulation as a means to increase diversity in broadcasting.”<sup>119</sup> In January 1978, Carter formally announced plans to help increase minority ownership. R.W. Smith explains, with Ferris at the helm of the FCC, he updated “commercial radio regulations by convincing fellow Commissioners that deregulation would diversify ownership and encourage innovation and, as a result, the public would be better served.”<sup>120</sup>

---

<sup>114</sup> Kelly Boyer Sagert, *The 1970s: American Popular Culture through History* (Westport, CT: Greenwood Press, 2007).

<sup>115</sup> Smith, “Charles Ferris.”

<sup>116</sup> Lawrence N. Redd, “Radio Deregulation: The Impact on Black Families and Nonprofit Social Agencies,” *Journal of Black Studies* 22, no. 2 (December 1991), 216.

<sup>117</sup> Smith, “Charles Ferris,” 149.

<sup>118</sup> Hugh R. Slotten, *Radio and Television Regulation: Broadcast Technology in the United States, 1920-1960* (Baltimore: Johns Hopkins University Press, 2000), vii.

<sup>119</sup> Smith, “Charles Ferris,” 154.

<sup>120</sup> Smith, “Charles Ferris,” 150.

According to J.T. Anderton, Docket 80-90 was considered a win for both Democrats and Republicans. Democrats wanted more stations to offer minorities a real chance at ownership. They understood that all the radio stations in the most populous cities in the country were owned by influential businessmen, powerful broadcast companies and newspapers. Democrats wanted to correct that. Anderton adds: “Who knows better how to serve the minority community than minorities.” Republicans, meanwhile, were interested in adding more channels because more channels would espouse free market principles and this would “trickle down and there would be more formats, more choices for the public.”<sup>121</sup>

When President Carter lost his reelection bid, Krasnow, Longley, and Terry note, the deregulation begun under his administration accelerated with President Reagan in the White House; however, it would not be used as a means to “allocate additional stations for minority use.”<sup>122</sup> A bipartisan bill introduced in June 1979 would “relax many rules governing broadcasters.”<sup>123</sup> Smythe writes the “Inquiry and Proposed Rulemaking: Deregulation of Radio”<sup>124</sup> released on September 6, 1979,<sup>125</sup> received little fanfare but received some 22,000 comments.<sup>126</sup> The Commission adopted the move 7-0. According to R.W. Smith, the three

---

<sup>121</sup> J.T. Anderton (former vice president, Facility Development, Jacor Communications, Clear Channel Communications, iHeart Radio) in discussion with the author, April 26, 2022.

<sup>122</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 72–73.

<sup>123</sup> “FCC Chairman Critical of Bill,” *Times Record News* (Wichita Falls, TX), July 19, 1978, 9C.

<sup>124</sup> Smythe, “Radio.”

<sup>125</sup> Smith, “Charles Ferris,” 156.

<sup>126</sup> Smythe, “Radio,” 195.



Democrats (Tyrone Brown, Joseph Fogarty, and James Quello) along with the three Republicans (Anne Jones, Robert E. Lee, and Abbott Washburn” all voted in favor of it.<sup>127</sup>

In R.W. Smith’s view, the ideas held by President Carter and Geller were “progressive and productive.”<sup>128</sup> However, scholars such as Akosua Barthwell Evans and Rachel Stillwell have not embraced deregulation as the answer.<sup>129</sup> Hammond concludes: “The removal of ownership restrictions during a time of accelerated merger and expansion activity by large communications firms, will seriously undermine the ability of minority and small firms to enter into the video marketplace.”<sup>130</sup> Lawrence N. Redd harshly imparts: “The impact [of deregulation] on Black families may in some ways parallel the disruption of families which unregulated economic practices inflicted on the foreparents of African Americans.”<sup>131</sup>

Ultimately, deregulation, reinforced the status quo and did nothing to make the marketplace more equitable. It had negative effects across the industry that were widespread and greatly impacted African Americans. J. Clay Smith Jr. made this stark admission: “It is not arguable that deregulation, or unregulation of telecommunications rules by the FCC has undercut minority interests in employment, ownership and programming.”<sup>132</sup>

---

<sup>127</sup> Smith, “Charles Ferris,” 156.

<sup>128</sup> Smith, “Charles Ferris,” 159.

<sup>129</sup> See footnote 19, Akosua Barthwell Evans, “Are Minority Preferences Necessary? Another Look at the Radio Broadcasting Industry,” *Yale Law & Policy Review* 8, no. 2 (1990), 383; Rachel Stilwell, “Which Public – Whose Interest – How the FCC’s Deregulation of Radio Station Ownership Has Harmed the Public Interest, and How We Can Escape from the Swamp,” *Loyola of Los Angeles Entertainment Law Review* 26, no. 3 (March 1, 2006), 369.

<sup>130</sup> Hammond, “Now You See It, Now You Don’t,” 638.

<sup>131</sup> Redd, “Radio Deregulation: The Impact on Black Families,” 216.

<sup>132</sup> J. Clay Smith Jr., “Telecommunications and Black Americans: The Unmeasured and Untold Marketplace Factor Untold Marketplace Factor,” (speech, Fifteenth Annual Communications Conference, “Communications: A Key to Economic and Political Change,” Howard University, February 13, 1986), 9.

## 2.9 The “Broadcast Policy-Making System”

According to Kevin B. Smith and Christopher W. Larimer, “Policy is the result of many interconnected actors, institutions, and groups, as well as independent decisions.”<sup>133</sup> What makes it “public” they say, “is that choices or actions are backed by the coercive powers of the state.” McChesney says policy making in the United States “is extraordinarily corrupt and dominated by very powerful special interests who do everything in their immense power to prevent any informed public participation,”<sup>134</sup> Who are the people who make policy? This section answers that question.

Even though the FCC is an independent agency, Krasnow, Longley, and Terry note that the FCC

is a creature of Congress with members appointed by the president; it is subject at every moment to judicial review and is faced with daily pressures from the industry it regulates, other branches of government and the public whose interest it was created to protect.<sup>135</sup>

Krasnow, Longley, and Terry created the broadcast policy-making system. The premise for their theory lies in the fact that “regulation... is a dynamic process involving many participants, often with different goals all influencing each other and producing specific policies and standards for broadcasters.”<sup>136</sup> Furthermore, these relationships are complicated, tangled and are constantly being adjusted and reassessed.<sup>137</sup> In a different article, Terry and Krasnow advise

---

<sup>133</sup> Kevin B. Smith and Christopher W. Larimer, *The Public Policy Theory Primer*, 2nd ed. (Boulder, Colo: Westview Press, 2013), 4.

<sup>134</sup> McChesney, “The Political Economy of International Communications,” 5.

<sup>135</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 9.

<sup>136</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 1.

<sup>137</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

that their theory “is intended to describe and explain the longitudinal development of policy in a given area by multiple participants.”<sup>138</sup>

Krasnow, Longley, and Terry outline six determiners of regulatory policy: (1) the FCC, (2) the broadcast industry, (3) citizen groups, (4) the courts, (5) the White House and (6) Congress. They add, the EEOC and Federal Trade Commission (FTC) “often affect policy but the six [actors listed above] stand out because of their continued and repeated involvement in the politics of broadcast regulation.”<sup>139</sup>

Now, for a quick review of the “six participants” as outlined by Krasnow, Longley, and Terry and the additional two germane to my research.

#### 2.9.1 The FCC

The FCC is an important and noteworthy administrative agency and as Ellmore notes, has “the power not only to investigate, legislate, administrate and adjudicate; but... [to] also act as jury and executioner. No other branch of government—federal, state or local—has such combined power.”<sup>140</sup> Simply stated, the FCC writes, regulates, and enforces rules. Like other agencies, the FCC is mired in red tape; its large numbers of employees adhere to a set of rules and a rank and order chain of command. Krasnow, Longley, and Terry confirm, the FCC acts as one would expect bureaucracy to behave.<sup>141</sup> Referring to Anthony Downs’s work examining

---

<sup>138</sup> Herbert A. Terry and Erwin G. Krasnow, “In Defense of the ‘Broadcast Policy-Making System’ Model,” *Journal of Broadcasting & Electronic Media* 36, no. 4 (Fall 1992), para 3.

<sup>139</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 33.

<sup>140</sup> Ellmore, *Broadcasting Law & Regulation*, 8.

<sup>141</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 35.

bureaucracies,<sup>142</sup> Krasnow, Longley, and Terry say the agency is saddled with “massive hierarchy, institutional conservatism, professional rationality, parochial professionalism and [is] entrenched in self-interest.” The authors explain, the Commissioners and their immediate staff review problems from a variety of angles—legal to technical to social—“and to consider how various industries interact within a particular policy problem arises.”<sup>143</sup> They also present criticism that the agency depends “too heavily on biased information submitted by interested parties” and fails to conduct or gather research independently.<sup>144</sup>

Krasnow, Longley, and Terry maintain that individual commissioners are paramount to decisions made by the body. To that end, their votes may be “factional” or at odds with one another; those who dissent have “had significant impact on the Commission beyond the power of their individual votes.”<sup>145</sup>

### 2.9.2 Broadcast Industry

The next participant is the broadcast industry—the people who work in the telecommunications industry and groups that advocate on the behalf of the industry. Krasnow, Longley, and Terry acknowledge that industry experts unremittingly apply pressure to regulatory commissions, which makes it important to study the relationship between the two entities.<sup>146</sup> The scholars write: “Introducing the broadcast industry as a second participant in the regulatory

---

<sup>142</sup> Anthony Downs, *Inside Bureaucracy*, A. Rand Corporation Research Study (Boston: Little, Brown and Company, 1967).

<sup>143</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 35.

<sup>144</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 37.

<sup>145</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 43.

<sup>146</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

process raises the important issue of the purpose of a regulatory commission and its relation to the industry it was created to oversee.” This tenuous relationship presents a larger issue when adhering to the notion of “regulating in the ‘public interest.’”<sup>147</sup> Organizations such as NAB, NABOB and others wield great influence on the FCC and lawmakers. Krasnow, Longley, and Terry acknowledge, the NAB is “the leading voice (or trumpet, depending on the occasion) for the broadcast industry.”<sup>148</sup> This organization is quite adept at lobbying for or against issues before the FCC.

Beyond this is the perilousness of working with industry experts such as the broadcasters themselves (e.g., NBC, ABC, etc.) who lobby and present their case to “the FCC, Congress and the White House.”<sup>149</sup> Krasnow, Longley, and Terry warn: “Gaining a familiarity with one or several industries’ problems and becoming biased thereby in favor of an industry in perilously thin.” They continue: “It is difficult for Commissioners and their staff to work closely with an industry without coming to see regulatory problems in industry terms.”<sup>150</sup> Moreover, articles and opinions published in industry publications, workshops and events (formal and informal) held at conferences and meetings, “joint-industry government committees... social contacts, visits to offices of Commissioners and the like” are all ways in which influence can be shared.”<sup>151</sup> Ironically, the authors note: “Many of these same regulators sought regulated-industry

---

<sup>147</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 48.

<sup>148</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 52.

<sup>149</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 51.

<sup>150</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 49.

<sup>151</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

employment at the end of their FCC services.”<sup>152</sup> William T. Gormley Jr. looked quantitatively at conflicts of interest that arise when former industry insiders are appointed to regulatory agencies. He found this “does increase the likelihood of decisions favorable to the regulated industry.”<sup>153</sup> However, he determined this does not apply to the FCC and says “a former broadcaster” who is appointed to the FCC is likely to enact significant change.<sup>154</sup>

### 2.9.3 Citizens Groups

In the mid-1960s, citizens groups began pressuring the FCC to challenge license renewals of stations that aired racist and discriminatory content. Krasnow, Longley and Terry note that many of these groups were not politically connected or well-funded but were quite influential.<sup>155</sup> For example, citizen groups coalesced around the appointment of the first African American commissioner, Benjamin Hooks, to the FCC<sup>156</sup> and asked President Richard Nixon to appoint him or an African American to the Commission.

Various groups employed a strategy where they filed “petitions to deny” licenses to radio and TV stations across the country.<sup>157</sup> According to Krasnow, Longley, and Terry, “The strategy was rarely successful... Occasionally however, the FCC would accompany its denial of a petition with the articulation of a new obligation for broadcasters... to serve a population

---

<sup>152</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 51.

<sup>153</sup> William T. Gormley Jr., “A Test of the Revolving Door Hypothesis at the FCC,” *American Journal of Political Science* 23, no. 4 (1979), 665.

<sup>154</sup> Gormley, “A Test of the Revolving Door Hypothesis.”

<sup>155</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

<sup>156</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 60.

<sup>157</sup> Cox, “Taking the FCC to Church.”

subgroup.”<sup>158</sup> Joseph Grundfest explains, the FCC never took petitions from these groups seriously. He also observes, the Commission “delayed action in so many cases that a large backlog of over 200 unsettled petitions”<sup>159</sup> had piled up by 1975. Krasnow, Longley, and Terry say these citizen groups tended to be firmly planted in liberal soil, but there were conservative groups as well.<sup>160</sup> According to Barlow, in the 1970s, a coalition of Black media activists and entrepreneurs put pressure on the broadcast industry and federal government “to open up more opportunities for people of color to purchase their own broadcast outlets.”<sup>161</sup> He points to NABOB and NBMC. With Pluria W. Marshall Sr. at the helm, NBMC “quickly emerged as a formidable broadcast pressure group.”<sup>162</sup>

#### 2.9.4 The Courts

Krasnow, Longley, and Terry concede that court decisions can pause action or sideline Commission goals. Of concern are both the Court of Appeals for the District of Columbia and the US Supreme Court.<sup>163</sup> During the 1960s, the Court of Appeals for the District of Columbia shaped broadcast regulatory policy.<sup>164</sup> The authors carefully analyze whether the courts essentially end up making policy, concluding that the courts “are normally more concerned with

---

<sup>158</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 55.

<sup>159</sup> Joseph Grundfest, “Participation in FCC Licensing,” *Journal of Communication* 27, no. 1 (March 1, 1977), 85, <https://doi.org/10.1111/j.1460-2466.1977.tb01801.x>.

<sup>160</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

<sup>161</sup> Barlow, *Voice Over*, 11.

<sup>162</sup> Barlow, *Voice Over*, 251.

<sup>163</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 62.

<sup>164</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 63.

how a decision was reached than with the substance of the decision itself.”<sup>165</sup> This idea will be discussed at great length later in this dissertation. The authors say the appointment of judges and litigation are two ways in which the courts can be influenced.<sup>166</sup>

#### 2.9.5 The White House/The US President

FCC commissioners are appointed by the President of the United States and confirmed by the United States Senate. Hence, the President has great influence over regulation. Krasnow, Longley, and Terry explain, the President’s ability to replace commissioners after they resign or their terms come to an end and to appoint a chairman is one of the President’s “most important formal controls”<sup>167</sup> and establishes the overall mood and “tone” for the FCC and other administrative agencies.<sup>168</sup> According to the authors, almost every president tries to appoint commissioners who believe in their “philosophy and policy objectives, regardless of party identification.”<sup>169</sup>

Until the 1983, there were seven FCC commissioners. That number decreased due to budget cuts.<sup>170</sup> The authors rightly point out that few commissioners complete their entire terms, so when a new president is elected, the Commission could consist of friendly faces. Krasnow,

---

<sup>165</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 64.

<sup>166</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

<sup>167</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 67.

<sup>168</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 67–68.

<sup>169</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

<sup>170</sup> David Shribman, “SENATORS APPROVE \$12.6 BILLION CUTS FOR 1983 SPENDING.” *New York Times*, Aug 06, 1982, Late Edition (East Coast).



Longley, and Terry make note of an important fact for my dissertation: “Within six months of taking office... President Reagan had the opportunity to make four FCC appointments.”<sup>171</sup>

The Office of Management and Budget (OMB) works directly with the president. The authors say it plays a powerful role and maintain: “White House pressure is exerted through OMB.”<sup>172</sup> Because OMB handles procurement, it is “a major factor in the development of telecommunications technology,” and the FCC (and other agencies) must give “their legislative recommendations to OMB before asking for congressional consideration.”<sup>173</sup>

#### 2.9.6 Congress

The two branches of Congress each take up issues relating to the regulation of the broadcast industry.<sup>174</sup> This includes subcommittees in the Senate and House of Representatives and their respective Commerce Committees, each of which has a subcommittee primarily devoted to telecommunications. As such, Krasnow, Longley, and Terry devote an entire chapter to this “powerful” determiner.<sup>175</sup> The authors say Congressional support for the FCC is based on legislators’ attempts to satisfy their constituents.<sup>176</sup> However, Congress asserts its influence

primarily... by statute, use of power of the purse, the spur of investigations, the power of advice and consent, the continuing watchfulness of standing committees, supervision by multiple committees and pressures of individual members of congress....<sup>177</sup>

---

<sup>171</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 68.

<sup>172</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 73.

<sup>173</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 69.

<sup>174</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*.

<sup>175</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 87.

<sup>176</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 89.

<sup>177</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 91.

Barlow cites the work of the Congressional Black Caucus (CBC), which was responsible for suggesting the distress sale policy.<sup>178</sup>

#### 2.9.7 Criticism and Praise

Haeryon Kim hails the efforts of Krasnow, Longley, and Terry saying they “deserve much of the credit for moving theorizing in broadcast policy-making along the path of expanded scope and greater sophistication.”<sup>179</sup> Napoli uses this theory and says: “It is essential that scholars investigate the potential sources of influence on the policy-making process.”<sup>180</sup> Denise M. Trauth and John L. Huffman also apply this theory to their work and maintain “there is a synergistic nature of the policy making process, long recognized by students of broadcast regulation.<sup>181</sup> Furthermore, it “is intellectually appealing as the model has been the dominant conceptual framework for research in broadcast policy-making” during a period when scholars were looking heavily at policy issues related to broadcasting and telecommunications.<sup>182</sup>

However, Kim asks about participation from “the individual” and writes that the “‘Broadcast Policy-Making System’ model forecloses our even beginning to understand what is happening in individual cases by arguing away the importance of any anomalies that may

---

<sup>178</sup> Barlow, *Voice Over*, 252.

<sup>179</sup> Haeryon Kim, “Theorizing Deregulation: An Exploration of the Utility of the ‘Broadcast Policy-Making System,’” *Journal of Broadcasting & Electronic Media* 36, no. 2 (1992), para 10.

<sup>180</sup> Philip M. Napoli, “The Federal Communications Commission and Broadcast Policy-Making 1966–95: A Logistic Regression Analysis of Interest Group Influence,” *Communication Law and Policy* 5, no. 2 (April 2000), 204.

<sup>181</sup> Denise M. Trauth and John L. Huffman, “A Case Study of a Difference in Perspectives: The D.C. Circuit Court of Appeals and the FCC,” *Journal of Broadcasting & Electronic Media* 33, no. 3 (June 1, 1989), 247–72.

<sup>182</sup> Kim, “Theorizing Deregulation,” para 10.

appear.”<sup>183</sup> Kim’s research indicates that three additional participants were needed in addition to the six that Terry and Krasnow proposed. Kim’s work suggested the following additional participants and writes that “(7) common-carriers (e.g., AT&T and Western Union); (8) the federal government (e.g., NTIA and Department of Justice); and (9) ‘concerned’ individual citizens”<sup>184</sup> were needed.

Regarding the individual citizen, Terry, and Krasnow say: “Our model was never designed for the analysis of a single output from one regulatory participant.”<sup>185</sup> Furthermore, they argue that they “never asserted that individual participants could not intervene in the process to adopt non-incremental positions.” Instead, they “claim[ed] only that, over time, most radical positions get damped out and that, in the long run, policy development is incremental.”<sup>186</sup>

Adding or deleting participants appears to be the most salient way to approach this theory for my research.<sup>187</sup> I agree with Kim. As a result, I am adding two more participants: the National Telecommunications Information Administration (NTIA) and the concerned individual citizen.

---

<sup>183</sup> Kim, “Theorizing Deregulation,” 166.

<sup>184</sup> Kim, 161.

<sup>185</sup> Terry and Krasnow, “In Defense of the ‘Broadcast Policy-Making System’ Model,” 479.

<sup>186</sup> Terry and Krasnow, 479.

<sup>187</sup> Philip M. Napoli, “The Federal Communications Commission and Broadcast Policy-Making-1966-95: A Logistic Regression Analysis of Interest Group Influence,” *Communication Law and Policy* 5, no. 2 (April 2000), 205, [https://doi.org/10.1207/S15326926CLP0502\\_3](https://doi.org/10.1207/S15326926CLP0502_3).

## 2.9.8 OTP/NTIA and the Concerned Individual Citizen

The Office of Telecommunications Policy (OTP) is the predecessor of the NTIA and was created by President Richard Nixon in September 1970 to replace the Office of Telecommunications Management (OTM). OTP was to serve as the president’s principal advisor to “help formulate policies, and act as a more effective partner in discussions of communications policy with both Congress and the FCC.”<sup>188</sup> Krasnow, Longley, and Terry explain, from 1970–1973, broadcast regulation was greatly impacted by OTP. They observe: “The OTP also took stands and thereby stimulated debate on a wide number of substantive issues”<sup>189</sup> including how the radio spectrum should be managed and concerns surrounding minority broadcast ownership.

Thomas A. Birkland contends: “Many people do not get routinely involved in politics or policy making,”<sup>190</sup> unless the issue is of importance or value to their specific needs and concerns. As I will show in this dissertation, these two participants wielded a great deal of power in the process of making the FCC aware of issues and possible solutions.

While not necessarily employing the broadcast policy-making model, Slotten’s look at the history of broadcast regulation notes that it comprises a series of “complex negotiations among different groups and individuals.” Additionally, he explains:

[K]ey individuals and institutions made decisions that helped shape the industry. The focus on the establishment of standards for radio and television in the United States and

---

<sup>188</sup> “Home,” National Archives, FG 6-14 (Office of Telecommunications Policy) (White House Central Files: Subject Files), accessed February 28, 2023, <https://www.nixonlibrary.gov/finding-aids/fg-6-14-office-telecommunications-policy-white-house-central-files-subject-files>.

<sup>189</sup> Krasnow, Longley, and Terry, *The Politics of Broadcast Regulation*, 71.

<sup>190</sup> Thomas A. Birkland, *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*, 4th ed. (New York: Routledge, 2016), 81.

the connection to public policy underscores the need to understand complex negotiations among different groups and individuals in the history of technology.<sup>191</sup>

Krasnow, Longley, and Terry explain that the NTIA has very little influence over policymaking, but as I will show in this dissertation, the NTIA and the concerned individual citizen wielded a great deal of power in the process of making the FCC aware of issues and possible solutions.

Each of the theories discussed in this chapter “come to life” and will present themselves in meaningful ways in the coming chapters. The practical implications will be seen not in the actions of the FCC commissioners but in government officials, established broadcasters and those looking to enter the field for the first time.

---

<sup>191</sup> Hugh R. Slotten, *Radio and Television Regulation: Broadcast Technology in the United States, 1920–1960*, 232.

## Chapter 3: Methodology and Methods

This dissertation uses a multimethod qualitative approach based on archives and lived experiences as the basis for the history of the federal government's efforts to increase FM radio ownership of African Americans beginning in the 1970s and 1980s. It then charts the journey of nine African Americans who were able to build and operate FM radio stations in the 1990s due to those measures. To achieve this, I reviewed thousands of primary sources at the National Archives and Records Administration (NARA) Archives II in College Park, MD; the Jimmy Carter Library and Museum in Atlanta; the Broadcasting Archives at the University of Maryland in College Park, MD; FCC.gov and NTIA.gov. I also consulted people's personal/individual archives, print and online publications and conducted 50 oral history interviews.

In this chapter, I state my research questions and provide a detailed assessment of my rationale for using archival research methods and oral history. I discuss the contested nature of the archive and the power held in this space. I build on the scholarship of archivist Rodney G.S. Carter, who addresses the silences, omissions, and gaps in archives. I then consider how oral history works in tandem with archival research methods as a way of eliminating the shortcomings of each method. Next, I consider historiography. As I determine the best way to write a historical narrative on my findings, I closely explore the biases that are present when writing the history as approached by positivists and constructivists. I engage with the work of Michel-Rolph Trouillot, who speaks eloquently about the silences found at various stages of the historical process. I also consider the work of literary scholar Saidiya Hartman. Last but not least, I detail my methods and explain the effect the COVID-19 pandemic had on my ability to gather data and my choice of a dissertation topic.

### 3.1 Research Questions

The FCC received more than 2,500 comments<sup>1</sup> (positive and negative) from the public, industry insiders and legislators about Docket 80-90—a technical rule that allowed the FCC to increase the number of FM radio stations in the country. FCC and NTIA officials hoped these changes would promote minority broadcast ownership and give people of color an opportunity to enter into ownership.

Consequently, I posed the following research questions:

#### **RQ 1: To what extent did the US federal government influence minority broadcast ownership?**

This question examines President Jimmy Carter’s pledge to make minority broadcast ownership an important goal of his administration. President Carter told the American people that minority broadcast ownership would be a priority of his administration and said: “In 1979, our priorities will include... vigorous pursuit of the program already underway to increase minority ownership of broadcast stations through regulatory actions, government loans guarantees and private loan and training programs.”<sup>2</sup> Docket 80-90 began under the Carter administration but was implemented by an FCC board of commissioners largely appointed by Ronald Reagan. The two administrations approached minority ownership from very different perspectives. How did this advance the cause of minority broadcast ownership? How did this

---

<sup>1</sup> Federal Communications Commission, Minute #287-A-84 December 19, 1984, Commission Open Meeting MM, Record Group 173 UD-06D 3, Minutes of Meetings, 1971-1989, FRC box 8, National Archives at College Park, MD.

<sup>2</sup> Jimmy Carter and United States, *Jimmy Carter 1979 (in Two Books)*, Public Papers of the Presidents of the United States (Washington, DC: Office of the Federal Register, National Archives and Records Service, General Services Administration: For sale by the Supt. of Docs., U.S. G.P.O., 1980).

stymie it? Additionally, what role did the other stakeholders play in reaching or thwarting this goal.

**RQ 2: What role did the various participants play in influencing policy aimed at increasing minority broadcast ownership?**

It is important to note that public policy rarely occurs in a straight line, and it is rarely quick. Both official policy makers and unofficial actors play a role in creating the rules and regulations citizens follow every day.<sup>3</sup> What results “is a very dynamic regulatory system, in which these various stakeholders struggle to influence regulatory outcomes with varying levels of intensity.”<sup>4</sup> My work assesses the many entities (participants) that, in some cases, unknowingly opened pathways to radio ownership for minorities—specifically African Americans. With varying goals in mind, individuals, organizations, and officials suggested ideas in the 1970s (under the Gerald Ford and Carter administrations), which led to policies that were tweaked and implemented in the 1980s (under the Reagan administration) and were finally brought to fruition in the 1990s (under the George H.W. Bush and Bill Clinton administrations).

**RQ 3: Once Docket 80-90 was passed and implemented, what were the experiences of the African American radio station owners who were awarded permits to build new FM radio stations?**

Building a radio station from the ground up is a daunting challenge. While the nine Docket 80-90 owners featured in this dissertation became business owners, they experienced varying levels of difficulty while acquiring the financing and licenses needed to start their

---

<sup>3</sup> Birkland, *An Introduction to the Policy Process*.

<sup>4</sup> Napoli, “Regulatory Behavior,” 1.



stations. In some instances, racism was a major hindrance. For others, the lengthy legal processes drained them of significant resources, and some Docket 80-90 owners had to continue working their full-time jobs while running their radio stations. This question brings their experiences to light and shares new information about their encounters and the circumstances in which they worked. Answers to this question may help formulate new theories that relate to the determination, successes, and failures of African American media owners as well as meaningful action and legislation that the federal government should enact going forward when dealing with minority broadcast ownership—which has remained at two percent for the last four decades. What experiences do these owners have in common? What can we learn from their actions and belief systems?

### 3.2 Archival Research Methods and Oral History

Primary sources are paramount to the historian. These items allow me, the researcher, to assert my claims, write my ideas, and present my findings.<sup>5</sup> Jenny L. Presnell notes, “Primary sources are the evidence that individuals, governments, organizations, and cultures or societies leave behind.” Archival research methods provide instructions on how to inspect, study, assess and engage with textual items and non-textual historical sources.<sup>6</sup>

For a “modern bureaucratic” agency such as the FCC, Marc. J Ventresca and John W. Mohr maintain that archives give insight by “providing... access that we might not otherwise

---

<sup>5</sup> Jenny L. Presnell, *The Information-Literate Historian: A Guide to Research for History Students* (New York: Oxford University Press, 2007), 5.

<sup>6</sup> Marc J. Ventresca and John W. Mohr, “Archival Research Methods,” in *The Blackwell Companion to Organizations*, ed. Joel A. C. Baum (Oxford, UK: Blackwell Publishing, 2017), 806.

have to the organizations, individuals, and events of that earlier time.”<sup>7</sup> They say these items are “important because they are ubiquitous, consequential and strategically useful.”<sup>8</sup> The researchers assert that “few official actions of any sort are conceived, enabled, or enacted without having been written down both in advance, in retrospect, and invariably several more times in between.”<sup>9</sup>

Along that vein, Saul Benison says, “Oral history research presents a new kind of historical document.”<sup>10</sup> This primary source allows for first-person recollections of the past from real people who have memories that provide “a unique perspective on the past and present.”<sup>11</sup> It has provided new meaning to our collective pasts and given disenfranchised groups the opportunity to add to the historical narrative. This democratization, Linda Shopes acknowledges, has made way for the contributions of new voices who otherwise have been excluded and has “generated new knowledge.”<sup>12</sup>

### 3.3 The Archive

The word “archive” conjures up images of a tangled labyrinth with no beginning and no end. As F.G. Emmison notes, it brings to mind a person hunched over “mounds of old documents

---

<sup>7</sup> Ventresca and Mohr, “Archival Research Methods,” 805.

<sup>8</sup> Ventresca and Mohr, “Archival Research Methods,” 806.

<sup>9</sup> Ventresca and Mohr, “Archival Research Methods,” 805.

<sup>10</sup> Saul Benison, “Reflections on Oral History,” *The American Archivist* 28, no. 1 (1965), 73.

<sup>11</sup> Barbara W Sommer and Mary Kay Quinlan, *The Oral History Manual*, 2nd ed. (Lanham: Altamira Press, 2009), 3.

<sup>12</sup> Linda Shopes, “Oral History,” in *The SAGE Handbook of Qualitative Research*, ed. Norman K Denzin and Yvonna S Lincoln, 2011, 456.

in musty basements”<sup>13</sup> that are stacked high and tightly packed together and housed in stately buildings of herculean size.<sup>14</sup> The contents of these structures are organized in filing systems that Ann Laura Stoler says are sometimes obtuse and opaque.<sup>15</sup> They can be commonplace or, as John L. Comaroff and Jean Comaroff note, unremarkable.<sup>16</sup> Michael Foucault maintains, their contents “are grouped together in distinct figures, composed together in accordance with multiple relations, maintained or blurred in accordance with specific regularities.”<sup>17</sup> While Nicholas B. Dirks calls them “discursive formation[s],”<sup>18</sup> Stoler contends that archives have a “steady and feverish rhythms, a life and a pulse”<sup>19</sup> that has a meticulous system of checks and balances with information that has been “cross-referenced.”<sup>20</sup> She also says that archives are multi-layered, multifaceted conglomerations of items that are “moments that disrupt (if only provisionally) a field of force, that challenge (if only slightly) what can be said and done, that question (if only quietly)....”<sup>21</sup> Dirks contends: “[T]he archive is a glorious monument of history,

---

<sup>13</sup> F. G. Emmison and British Broadcasting Corporation, *Introduction to Archives*. (London: British Broadcasting Corp, 1964), 2.

<sup>14</sup> Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 10.

<sup>15</sup> Stoler, *Along the Archival Grain*, 8.

<sup>16</sup> John L. Comaroff and Jean Comaroff, *Ethnography and the Historical Imagination*, Studies in the Ethnographic Imagination (Boulder, CO: Westview Press, 1992), 36.

<sup>17</sup> Michael Foucault, *The Archaeology of Knowledge and the Discourse on Language* (New York: Pantheon Books, 1972), 129.

<sup>18</sup> Nicholas B. Dirks, “Annals of the Archive: Ethnographic Notes on the Sources of History,” in *From the Margins: Historical Anthropology and Its Futures*, ed. Brian Keith Axel (Durham, NC: Duke University Press, 2002), 58.

<sup>19</sup> Stoler, *Along the Archival Grain*, 35.

<sup>20</sup> Stoler, *Along the Archival Grain*, 50.

<sup>21</sup> Stoler, *Along the Archival Grain*, 51.

but the documents within are simply the sedimented detritus of a history that from the inside [seem] both endless and banal”<sup>22</sup> which are also “muddled and confusing.”<sup>23</sup> Joan M. Schwartz and Terry Cook regard their contents as burdensome and heavy.<sup>24</sup>

### 3.3.1 Archives as Places of Power

Schwartz and Cook argue that archives “are not passive storehouses of old stuff,”<sup>25</sup> but are places of power, privilege and dominance. They maintain that archives are “active sites where social power is negotiated, contested, confirmed”<sup>26</sup> and are filled with privilege where certain stories are brought to the fore and others are deemed unimportant.<sup>27</sup> Eric Ketelaar contends that the contents of the archive reflect certain perspectives and excludes others.<sup>28</sup>

There is a hegemony in the archives.<sup>29</sup> For far too long, archives were created by those in power (governments run by White men). Particular attention was paid to what was included and what was left out, how these items were arranged and managed, and who would have access and who would not. To that end, David Zeitlyn says the sole purpose of the archive was to oppress

---

<sup>22</sup> Dirks, “Annals of the Archive: Ethnographic Notes on the Sources of History,” 47.

<sup>23</sup> Stoler, *Along the Archival Grain*, 10.

<sup>24</sup> Stoler, *Along the Archival Grain*, 19.

<sup>25</sup> Joan M. Schwartz and Terry Cook, “Archives, Records, and Power: The Making of Modern Memory,” *Archival Science* 2, no. 1 (March 1, 2002), 1.

<sup>26</sup> Schwartz and Cook, “Archives, Records, and Power,” 1.

<sup>27</sup> Schwartz and Cook, “Archives, Records, and Power.”

<sup>28</sup> Eric Ketelaar, “Archival Temples, Archival Prisons: Modes of Power and Protection,” *Archival Science* 2, no. 3 (September 1, 2002), 221–38.

<sup>29</sup> Tanya Sheehan et al., “In Conversation: Archives and the Pandemic,” *Archives of American Art Journal* 60, no. 1 (March 2021), 84.

and retain and maintain authoritative control.<sup>30</sup> Dirks says this space “is a glorious monument of history,”<sup>31</sup> but it is fraught with tension. While colonial archives are not assessed in this study, it is important to acknowledge that the contents of these archives were used by colonizing nations to control and conquer others,<sup>32</sup> suppress their ideas and rewrite their history. It was a place where documents were housed to provide an historical account for the colonizers and not the colonized.<sup>33</sup>

### 3.3.2 Archives as Memory

The archive is important to a society’s collective memory. It connects *what was* with *what is*. Zeitlyn theorizes that archival documents connect the past and the present.<sup>34</sup> Bernard S. Cohn and Teri Silvio maintain there is a point when the past becomes more distant and less important to our day-to-day goings and comings. In these instances, monuments, museums<sup>35</sup> and archives become more meaningful.<sup>36</sup> R.G.S. Carter points out that when marginalized groups are not included in these remembrances or allowed to store their recollections, the results are

---

<sup>30</sup> David Zeitlyn, “Anthropology in and of the Archives: Possible Futures and Contingent Pasts. Archives as Anthropological Surrogates,” *Annual Review of Anthropology* 41, no. 1 (September 24, 2012), 462.

<sup>31</sup> Dirks, “Annals of the Archive: Ethnographic Notes on the Sources of History,” 47.

<sup>32</sup> Ann Laura Stoler, “Colonial Archives and the Arts of Governance,” *Archival Science* 2, no. 1 (March 1, 2002), 87–109.

<sup>33</sup> Dirks, “Annals of the Archive: Ethnographic Notes on the Sources of History,” 63.

<sup>34</sup> Zeitlyn, “Anthropology in and of the Archives,” 466.

<sup>35</sup> Bernard S. Cohn and Teri Silvio, “Race, Gender, and Historical Narrative in the Reconstruction of a Nation: Remembering and Forgetting the American Civil War,” in *From the Margins: Historical Anthropology and Its Futures*, ed. Brian Keith Axel (Durham: Duke University Press, 2002), 211–32.

<sup>36</sup> Zeitlyn, “Anthropology in and of the Archives,” 466.

deleterious not only to their collective memory but to society's remembrances as well.<sup>37</sup> When something or someone is left out of the archives, they are forgotten.

Since their inception, Schwatz and Cook say, archives “have systemically excluded records about or by women from their holdings and, as institutions, have been willing agents in the creation of patriarchy by supporting those in power against the marginalized.”<sup>38</sup> As stories are passed from generation to generation, they hold the records and transactions important to that group's existence.

### 3.3.3 Archive Fever

Zeitlyn wonders if too many descriptors and intentions have been assigned to the term “archive.” He defines an archive as “a collection of more or less connected, and more or less disordered, disparate entities (often but not always documents).”<sup>39</sup> Perhaps he has a point.

Archivists Helen Forde and collections management consultant Jonathan Rhys-Lewis describe archives simply as 1) documents (records) that have interminable value; 2) a selection of items with historical value managed by people, groups and the like; and 3) places where this information is housed.<sup>40</sup>

Despite their voluminous amounts of content, archives do not contain everything and are not all-encompassing. As Carolyn Steedman rightfully notes, the archives hold “disconnected

---

<sup>37</sup> Carter, “Of Things Said and Unsaid,” 215.

<sup>38</sup> Schwartz and Cook, “Archives, Records, and Power,” 16.

<sup>39</sup> Zeitlyn, “Anthropology in and of the Archives,” 467.

<sup>40</sup> Helen Forde and Jonathan Rhys-Lewis, *Preserving Archives*, 2nd ed., Principles and Practice in Records Management and Archives (London: Facet Publishing, 2013).

fragments of documents and lists, collected for purposes forgotten or not to be known...”<sup>41</sup> She says the items contained within these structures are “selected and consciously chosen documentation from the past and also from the mad fragments that no one intended to preserve and just ended up there.”<sup>42</sup> There is a need to unearth *all* the answers in the archive—“to find, or locate, or to possess that moment, as a way of possessing the beginning of things.”<sup>43</sup> This is called “archive fever” because it is impossible to cure.<sup>44</sup> According to Steedman, “Nothing starts in the Archive, nothing, ever at all, though things certainly end up there. You find nothing in the Archive, but stories caught halfway through: the middle of things; discontinuities.”<sup>45</sup>

Archive fever comes from worry that you will not do your topic “justice”<sup>46</sup> with the vexing fear that you’ll never reach your goals. For example, I wanted to know *how* the idea for Docket 80-90 originated. This answer was not available in the government documents that I read. I had to find this beginning, so to speak, by conducting oral history interviews, which did indeed help fill some of the gaps in the archives.

---

<sup>41</sup> Carolyn Steedman, “After the Archive,” *Comparative Critical Studies* 8, no. 2–3 (October 1, 2011), 322, <https://doi.org/10.3366/ccs.2011.0026>.

<sup>42</sup> Carolyn Steedman, *Dust: The Archive and Cultural History*, Encounters (New Brunswick, NJ: Rutgers University Press, 2002), 68.

<sup>43</sup> Carolyn Steedman, “Something She Called a Fever: Michelet, Derrida, and Dust,” *The American Historical Review* 106, no. 4 (2001), 1160.

<sup>44</sup> Jacques Derrida and Eric Prenowitz, *Archive Fever: A Freudian Impression*, paperback ed., Religion and Postmodernism (Chicago, IL: University of Chicago Press, 2008).

<sup>45</sup> Steedman, *Dust*, 45.

<sup>46</sup> Steedman, *Dust*, 18.

### 3.4 Oral History

Oral history is useful because it allows me to shore up the fragments in the archive, bridge connections between the items in the space and add a different perspective. Mpho Ngoepe observes that oral history interviews can “correct...biases and distortions in the official archives,” and they can “open up new areas of inquiry and discover...written documents which otherwise would have remained obscured.”<sup>47</sup> This method is especially concerned with gathering information from people and groups of people who have historically been disenfranchised, placed in the margins of history or erased from the discussion entirely.

This dissertation is rooted in the experiences of African American men and women. This method has a deeper meaning when used as a research tool for studying the lives of Black people. Ann Allen Shockley notes, “Afr[ican] Americans had an oral history before a written one. The laws, customs and history of the Africans were handed down by folk historians and by musicians in their songs and words.”<sup>48</sup> Valerie J. Janesick says this “age-old technique”<sup>49</sup> allows women, in particular, to talk about past experiences and their “overlooked lives, activities and feelings.”<sup>50</sup> Gwendolyn Etter-Lewis explains that it captures the many lived experiences and “multilayered textures”<sup>51</sup> of Blacks who blazed new trails in a very competitive field dominated

---

<sup>47</sup> Mpho Ngoepe, “Whose Truth Is True?: The Use of Archival Principles to Authenticate Oral History,” in *Handbook of Research on Connecting Research Methods for Information Science Research*, ed. Patrick Ngulube (IGI Global, 2020), 307.

<sup>48</sup> Ann Allen Shockley, “Oral History: A Research Tool for Black History,” *Negro History Bulletin* 41, no. 1 (1978), 787.

<sup>49</sup> Valerie J. Janesick, *Oral History for the Qualitative Researcher: Choreographing the Story* (New York: Guilford Press, 2010), 94.

<sup>50</sup> Kathryn Anderson et al., “Beginning Where We Are: Feminist Methodology in Oral History,” *The Oral History Review* 15, no. 1 (1987), 104.

<sup>51</sup> Gloria T. Hull, Patricia Bell Scott, and Barbara Smith, eds., *All the Women Are White, All the Blacks Are Men, but Some of Us Are Brave: Black Women's Studies* (Old Westbury, NY: 1982), 17, quoted in Gwendolyn Etter-Lewis,



by White men. Janesick stresses “oral historians include the voices of all potential participants, thereby acknowledging *multiculturalism* and *diversity* by documenting stories of women, minorities... and *those generally excluded* from research.”<sup>52</sup> I maintain this applies to African American women and men.

I interviewed 13 women for my research. This method gives credence to the experiences of these women based on their own merits and not a set of standards prescribed by the dominant culture and the problematic belief that Etter-Lewis says stipulates “that a single male voice has the power and authority to represent others, regardless of race or gender.”<sup>53</sup> She continues, it “assumes added significance as a powerful instrument for the rediscovery for womanhood so often overlooked and/or neglected in history and literature alike”<sup>54</sup>

In the *Handbook of Oral History*, Mary Larson identifies four categories of oral histories: “subject-oriented histories, life histories, community history, and family history.”<sup>55</sup> My research focuses on subject-oriented histories. According to Larson, subject-oriented histories concern themselves with finding unique information to fill in the holes left by previous research.<sup>56</sup> David P. Henige says it asks these questions: Is the problem really a significant one whose study will contribute not only to informing its own context but also to illuminating other problems? Has the

---

“Black Women’s Life Stories: Reclaiming Self in Narrative Texts,” in *Women’s Words: The Feminist Practice of Oral History*, ed. Sherna Berger Gluck and Daphne Patai, (New York: Routledge, 1991), 43–58.

<sup>52</sup> Janesick, *Oral History for the Qualitative Researcher*, 7.

<sup>53</sup> Etter-Lewis, “Black Women’s Life Stories,” 43.

<sup>54</sup> Etter-Lewis, “Black Women’s Life Stories,” 43.

<sup>55</sup> Mary Larson, “Research Design and Strategies,” in *Handbook of Oral History*, ed. Thomas L. Charlton, Lois E Myers, and Rebecca Sharpless (Lanham, MD: Altamira Press, 2006), 105.

<sup>56</sup> Larson, “Research Design and Strategies,” 107.

work been done before? If it has, why does it need to be done again?<sup>57</sup> However, my narrators were free to share other aspects of their life. In fact, when I interviewed the African American Docket 80-90 owners, I asked them about their childhoods and upbringing; in some cases, they provided life histories that were likened to what Larson calls the “oral memoir,” also known as the “oral biography.”<sup>58</sup> The oral memoir or oral biography allows each narrator to recount his or her story as it is remembered with a more detailed explanation provided by me, the researcher.<sup>59</sup> The implications of this are far reaching and have added a variety of what would have been once considered insignificant voices to historical narratives that would not normally be recognized. David K. Dunaway explains that the oral biography “has helped to democratize history, by incorporating diverse perspectives of the nonliterate and of groups often excluded”<sup>60</sup> from traditional means of gathering information.

### 3.5 *Historiography: Silences, Omissions, and Gaps*

My work is guided by Michel-Rolph Trouillot’s work *Silencing the Past: Power and the Production of History* and his eloquent theory on how silences enter historical narratives. According to Trouillot, power is inextricably linked to the writing of history. Power however reaches beyond the predictable, widely accepted understanding that historical accounts are crafted by and “about those who won.”<sup>61</sup> Instead, he posits that power takes the form of silences

---

<sup>57</sup> David P. Henige, *Oral Historiography* (London: Longman, 1982), 23–24.

<sup>58</sup> Larson, “Research Design and Strategies,” 108.

<sup>59</sup> Larson, “Research Design and Strategies,” 98.

<sup>60</sup> David K. Dunaway, “Method and Theory in the Oral Biography,” *Oral History* 20, no. 2 (1992), 40.

<sup>61</sup> Trouillot, *Silencing the Past*, 5.

in different ways long before the story appears. He says it “begins at the source.” These gaps and omissions appear at four critical stages:

- (1) the moment of fact creation (the making of sources)
- (2) the moment of fact assembly (the making of archives)
- (3) the moment of fact retrieval (the making of narratives)
- (4) and the moment of retrospective significance (the making of history in the final instance).<sup>62</sup>

Historical works are filled with silences. Trouillot says filling them is “a unique process, and the operation required to deconstruct these silences will vary accordingly.”<sup>63</sup> I will now address each of these points as they relate to my study.

### 3.5.1 Moment of Fact Creation

Hugh A. Taylor posits, “Documents contain the record of events; they are not the events themselves.”<sup>64</sup> Oral history allows me to create new facts that fill the voids in the archives. As previously stated in this chapter, the information obtained from oral history interviews changes the tone and nature of the topic by centering the discussion on information that counters mainstream narratives and provides new and important perspectives. Michele Russell points out that African Americans have had no choice but to rely on oral communication as a way of

---

<sup>62</sup> Trouillot, *Silencing the Past*, 26.

<sup>63</sup> Trouillot, *Silencing the Past*, 29.

<sup>64</sup> Hugh A. Taylor, “The Collective Memory: Archives and Libraries as Heritage,” *Archivaria*, January 1, 1982, 119.

retracing the past.<sup>65</sup> If, as she says, “history becomes ‘what’s in books,’” the written word lacks the full perspective of all involved in the making of those important moments. This method is seen as paramount in the writing of history. Geertje Boschma et al. rightly state that oral history becomes an actual “source of historical testimony in its own right.”<sup>66</sup> Dunaway argues that it has had major impacts on policy issues.<sup>67</sup>

### 3.5.2 Moment of Fact Assembly

As I stated earlier, the archive is a place of power. R.G.S. Carter says the powerful have the ability to exclude, omit, distort and erase people and their stories. He calls these silences “gaps, blanks and void regions”<sup>68</sup> and he urges researchers to read the archives “against the grain” by looking specifically for the omissions and the voices of those who are missing from the archives. This, R.G.S. Carter says, is a way of giving marginalized people agency.<sup>69</sup>

Stoler takes a different approach when addressing these gaps. Instead of viewing them through a frame of power and control, she leans into the archives and looks at these omissions and interprets them as anxieties felt by the governing body unable to control the future or define it.<sup>70</sup> Comaroff and Comaroff instruct researchers to create one’s own archive in order to “work

---

<sup>65</sup> Michele Russell, “Black-Eyed Blues Connections: Teaching Black Women,” in *All the Women Are White, All the Blacks Are Men, but Some of Us Are Brave: Black Women’s Studies*, ed. Gloria T. Hull, Patricia Bell Scott, and Barbara Smith (Old Westbury, NY: The Feminist Press, 1982), 116.

<sup>66</sup> Geertje Boschma et al., “Oral History Research,” in *Capturing Nursing History: A Guide to Historical Methods in Research*, ed. Sandra Lewenson, Eleanor Krohn Herrmann (Springer Publishing Company, 2007), 80.

<sup>67</sup> Dunaway, “Method and Theory in the Oral Biography,” 9.

<sup>68</sup> Carter, “Of Things Said and Unsaid,” 217.

<sup>69</sup> Carter, “Of Things Said and Unsaid,” 215.

<sup>70</sup> Stoler, “Colonial Archives and the Arts of Governance,” 157.

both in and outside the official record.”<sup>71</sup> This can be achieved by looking for what is missing, left unsaid and what possibly contradicts the archive. However, as R.G.S. Carter notes, “If records are destroyed, manipulated, or excluded, the narratives of the groups cannot be transmitted across time. Their stories will not be heard, and they may ultimately disappear from history.”<sup>72</sup>

Two types of archives were used in this study. The first is what we would consider a traditional archive, which is the “place where government records are stored”<sup>73</sup> and where *remembrances* of a nation’s history are held.<sup>74</sup> The second is the personal archive. This includes cherished memories of family records and photos; correspondence and other materials,<sup>75</sup> mementos and souvenirs; as well as personal accounts, internet websites and media in all of its various forms: music, print, video files, audio files, digital stories, notes, performances<sup>76</sup> manuscripts and the like. In this sense, Mike Featherstone says the archive is “regarded as a paradigmatic entity as well as a concrete institution.”<sup>77</sup>

---

<sup>71</sup> Comaroff and Comaroff, *Ethnography and the Historical Imagination*, 34.

<sup>72</sup> Carter, “Of Things Said and Unsaid,” 217.

<sup>73</sup> Mike Featherstone, “Archive,” *Theory, Culture & Society* 23, no. 2–3 (May 1, 2006), 591.

<sup>74</sup> Featherstone, “Archive,” 591.

<sup>75</sup> Lisa Nakamura, “Indigenous Circuits: Navajo Women and the Racialization of Early Electronic Manufacture,” *American Quarterly* 66, no. 4 (December 2014), 920, 924.

<sup>76</sup> Zeitlyn, “Anthropology in and of the Archives.”

<sup>77</sup> Featherstone, “Archive,” 595.

### 3.5.3 Moment of Fact Retrieval

For centuries, researchers have used the documents and visual contents from the archives to, as Dallen J. Timothy notes, “piece together histories of salient events in a nation’s development, lives of prominent citizens, or occurrences of interest to the general population.”<sup>78</sup> I have already discussed what happens when marginalized groups or people are missing and absent from the recorded annals. This has a direct impact on how historical narratives are written. When these groups are not included in sources and their remembrances and recollections are excluded, the results are deleterious not only to their collective memory but to society’s.<sup>79</sup> As knowledge is passed from generation to generation, that information hold the records and transactions important to that group’s existence. Rituals and warnings are lost.<sup>80</sup> What about the “orphans”<sup>81</sup> that appear in the archives? Zeitlyn says these are illegible or incomplete documents or ones that cannot be traced to any particular person or organization. These stragglers might lack copyright permissions as well. Performances (e.g., dance recitals, musicals) would fall into this category. While there may be remnants from the event such as a program or recording, much is lost if the actual event cannot be seen.<sup>82</sup> Hartman considers the impact of these voices that appear and then disappear without another mention.<sup>83</sup> She asks: “Can

---

<sup>78</sup> Dallen J. Timothy, “Archival Research,” in *Handbook of Research Methods in Tourism*, ed. Larry Dwyer, Alison Gill, and Neelu Seetaram (Edward Elgar Publishing, 2012), 401.

<sup>79</sup> Carter, “Of Things Said and Unsaid,” 215.

<sup>80</sup> Kenneth E. Foote, “To Remember and Forget: Archives, Memory, and Culture,” *The American Archivist* 53, no. 3 (1990), 381.

<sup>81</sup> Zeitlyn, “Anthropology in and of the Archives,” 468.

<sup>82</sup> Zeitlyn, “Anthropology in and of the Archives,” 469.

<sup>83</sup> Saidiya V. Hartman, “Venus in Two Acts,” *Small Axe: A Caribbean Journal of Criticism* 26 (June 6, 2008), 1–14.

stories fill in the archive? If these narratives provide closure, who benefits.<sup>84</sup> When Hartman combed the archive, the only accounts she found were of those in power (the slaveholders). Hartman instructs, “The archive dictates what can be said about the past and the kinds of stories that can be told.... [I]t permits one final viewing and allows for a last glimpse of person about to disappear.”<sup>85</sup>

#### 3.5.4 Moment of Retrospective Significance

As a journalism historian, it is up to me to interpret the items found in the archive and the narratives gathered from the oral history interviews and write a narrative that is complete, and worthy of the people and topic being studied. According to Janesick, oral history has the most impact from “the meaning made of the storytelling and what we learn from the stories.”<sup>86</sup> As such, oral history gives credence to getting “the real texture of the story of a real person’s life in all its depth, complexity, misery, joy and purpose.”<sup>87</sup> Just as the archives cannot possibly contain every single thing about a topic, a researcher can never truly know everything about everyone. James Hoopes says writing history is “an exercise of the imagination.”<sup>88</sup> Kenneth E. Foote adds, these “imaginings must derive from facts.”<sup>89</sup> According to Robert J. Conners, the elements

---

<sup>84</sup> Hartman, “Venus in Two Acts,”; Alexis Okeowo, “How Saidiya Hartman Retells the History of Black Life,” *New Yorker*, October 19, 2020.

<sup>85</sup> Saidiya V Hartman, *Lose Your Mother: A Journey along the Atlantic Slave Route* (New York: Farrar, Straus and Giroux, 2007), 17.

<sup>86</sup> Janesick, *Oral History for the Qualitative Researcher*, 1.

<sup>87</sup> Janesick, *Oral History for the Qualitative Researcher*, 15.

<sup>88</sup> James Hoopes, *Oral History: An Introduction for Students* (Chapel Hill: University of North Carolina Press, 1979), 3.

<sup>89</sup> Foote, “To Remember and Forget,” 3.

gathered are perceived through my notions of current events and are situated in “claims based on study of materials from the past, and an ongoing internal dialogue about cultural preconceptions.”<sup>90</sup> Trouillot says this is the positivist view. Positivists take a very hands-off approach and look to recall events and tell the truth.<sup>91</sup> Here he states power is hidden “behind a naive epistemology.”<sup>92</sup> The other perspective he calls attention to is through the lens of constructivism. Constructivists are not autonomous. Instead, Trouillot says their version of history is “one fiction among others,”<sup>93</sup> because one “single narrative”<sup>94</sup> cannot be produced.

Trouillot proposes a third way to view historicity. He says scholars should embrace the notion that both positivism and constructivism are ambiguous.<sup>95</sup> He regards defining history and looking for “what history is” as fruitless. Instead, for Trouillot, “how history works” is key as are “the process and conditions of production” of “narratives.” At some point, he argues, both perspectives overlap and that is when the researcher will be able to pinpoint the moment where one side is silenced, and the other side is given a voice and a platform for their story to be

---

<sup>90</sup> Robert J. Connors, “Dreams and Play: Historical Method and Methodology,” in *Methods and Methodology in Composition Research*, ed. Gesa Kirsch and Patricia A. Sullivan (Carbondale, IL: Southern Illinois University Press, 1992), 15.

<sup>91</sup> Trouillot, *Silencing the Past*, 5.

<sup>92</sup> Trouillot, *Silencing the Past*, 6.

<sup>93</sup> Trouillot, *Silencing the Past*, 6.

<sup>94</sup> Trouillot, *Silencing the Past*, 13.

<sup>95</sup> Trouillot, *Silencing the Past*, 23.



heard.<sup>96</sup> Trouillot powerfully states: “We now know that narratives are made of silences, not all of which are deliberate or even perceptible as such within the time of their production.”<sup>97</sup>

Christopher Anderson and Michael Curtin acknowledge the challenge of writing the cultural history of radio and television.<sup>98</sup> The authors say these histories are written “from above”<sup>99</sup> or “from below.”<sup>100</sup> The perspective “from above” takes the perspective of “great men, powerful corporations, and the Federal Government,”<sup>101</sup> who are presumed to have created these devices. The view “from below,” focuses on the everyday, practical uses of these mediums.<sup>102</sup>

Bill McDowell stresses, “[H]istorical research does not consist in the mere collection of ‘facts,’ but rather in the interrelationship between factual evidence and the interpretation of this evidence by historians.”<sup>103</sup> My aim in this study is to combine these perspectives and interpret the evidence found in a way that, as Jeremiah Clabough says, “captivat[es], entranc[es] and bring[s] history to life.”<sup>104</sup> I want to give those who have not spoken, a chance to be heard. I

---

<sup>96</sup> Trouillot, *Silencing the Past*, 25.

<sup>97</sup> Trouillot, *Silencing the Past*, 153.

<sup>98</sup> Christopher Anderson and Michael Curtin, “Writing Cultural History: The Challenge of Radio and Television,” in *Media History: Theories, Methods, Analysis*, ed. Niels Brügger and Søren Kolstrup (Denmark: Aarhus University Press, 2002), 16.

<sup>99</sup> Anderson and Curtin, “Writing Cultural History,” 17.

<sup>100</sup> Anderson and Curtin, “Writing Cultural History,” 18.

<sup>101</sup> Anderson and Curtin, “Writing Cultural History,” 17–18.

<sup>102</sup> Anderson and Curtin, “Writing Cultural History,” 18.

<sup>103</sup> Bill McDowell, *Historical Research: A Guide for Writers of Dissertations, Theses, Articles and Books* (London: Routledge, 2002), 4.

<sup>104</sup> Jeremiah Clabough, *Unpuzzling History with Primary Sources*, Teaching and Learning Social Studies (Charlotte, NC: Information Age Publishing, 2016), 2.

want to infuse real people at “the place where the past has its being, where ink on parchment can be made to speak, where the historian can bring to life those who exist only between the lines of state papers and legal documents.”<sup>105</sup>

Ultimately, I will look at the archive and what is included and then look for contradictions, silences and erasures. I will provide a scholarly narrative that tells a story understanding that, as Patrick J. Lewis writes, the “story is central to human understanding—it makes life livable, because without a story, there is no identity, no self, no other.”<sup>106</sup>

### 3.6 The Study

The ever-present, menacing threat of COVID-19 had “unintended consequences”<sup>107</sup> on researchers worldwide during the period when I was gathering data for my dissertation. Qualitative researchers, who rely on face-to-face interaction, were forced to find other ways to conduct their studies. When the world entered lock down in March 2020, government offices, businesses, schools and other entities closed. The Society of American Archivists (SAA), for example, strongly urged that archives close to the public to reduce exposure to the novel virus.<sup>108</sup> Unfortunately, I needed access to documents housed at the National Archives, and I could not access those until government offices opened to the public.

---

<sup>105</sup> Steedman, “After the Archive,” 325.

<sup>106</sup> Patrick J. Lewis, “Storytelling as Research,” *Qualitative Inquiry* 17, no. 6 (July 2011), 505.

<sup>107</sup> James Walker et al., “The Unintended Consequences of the Pandemic on Non-Pandemic Research Activities,” *Research Policy* 51, no. 1 (January 1, 2022), 104369.

<sup>108</sup> “SAA Council Statement on Impact of Covid-19 Health Crisis on Archive Workers,” Society of American Archivists, accessed January 12, 2023, <https://www2.archivists.org/news/2020/saa-council-statement-on-impact-of-covid-19-health-crisis-on-archives-workers>.

### 3.6.1 Design

My plan to conduct archival research and oral history interviews had to be altered. Due to potential exposure to the virus at in-person gatherings, I was unable to enter the archives or travel to the homes and workplaces of my narrators to speak with them. I conducted as much research as I could online perusing government websites and using social media platforms such as Facebook, Twitter and search engines such as Google, Bing and DuckDuckGo to find informants. The Hathi Trust Digital Library, HeinOnline, and WorldRadioHistory.com were also invaluable resources for my research.

The digitizing of many books, periodicals and documents has relieved the strain of not having proper indices. Keywords, phrases and topics can be found using optical character recognition (OCR). OCR, while handy, is not completely reliable. It can miss text and does not recognize misspelled words. However, OCR is an excellent research aid. It is no exaggeration that before this technology was widely available, it would have “taken a lifetime of relentless reading”<sup>109</sup> to find the information needed in these print documents.

As scientists learned more about the coronavirus and vaccines became widely available, restrictions eased, lockdowns ended, and life slowly returned to normal. The National Archives opened to the public on a limited basis letting patrons know that if COVID-19 cases rose in the area, the facility would close at a moment’s notice. I began planning my trip to the Archives in August 2021 and finally visited the facility in December 2021. During this six-month period, I had one scheduled visit canceled 24-hours before I was due to arrive. I made dozens of cold calls

---

<sup>109</sup> Stephen Mihm, “The Biographer’s New Best Friend,” *New York Times*, 2011, sec. Review, para 3.

while in pursuit of information on my topic. I chose to take extra precautions and only met one of my informants in person, in this case, to retrieve documents.



Figure 1. FRC Boxes that held FCC Minutes

### 3.6.2 The Thrill of the Archive

There is an unspeakable thrill that one experiences when one enters an archive and begins looking at items that may not have been touched for years. I experienced a wonderful sense of euphoria in each of the archives I visited. My heartbeat quickened with excitement as I lifted the cold, heavy boxes off the gray metal carts that held my items. Walker's words rang true from when he shares,

[This excitement] comes from merely working with material which represents a physical survival from a past age. For those engaged in academic historical research the kick comes from discovering clues which support one's thesis, opens a research question, provides evidence which overturns accepted understandings, or offers an alternative solution to the crime.<sup>110</sup>

---

<sup>110</sup> Stephen P. Walker, "The Search for Clues in Accounting History," in *The Real Life Guide to Accounting Research: A Behind-the-Scenes View of Using Qualitative Research Methods*, ed. Christopher Humphrey and Bill H.K. Lee (Amsterdam: Elsevier Science, 2004), 18.



Figure 2. Jimmy Carter Library

Stoler describes this as the “heady rush of discovery, in the sensations and desires [that] the archives stir”<sup>111</sup> where secrets are uncovered—an affair or dalliance or as she says, “clandestine police maneuvers, military preparations and deliberations about an impending revolt...”<sup>112</sup> As I looked at the slightly worn red binders that were a bit torn and stuffed with documents, I hoped they contained the answers I so desperately sought. I felt a special kinship with Dirks who, when visiting the archives for the first time, says he “panicked.”<sup>113</sup> He says,

[My] historical zeal inexplicably vanished as I desperately stemmed a welling desire to exit immediately and search for the nearest pub. I saw before me the thousands of documents I could indent, the books I could read, the files I had to wade through. I tried to imagine which index to consult, what department to decipher, how best to control the chaos of what seemed an infinite chain of documents.<sup>114</sup>

---

<sup>111</sup> Stoler, *Along the Archival Grain*, 19.

<sup>112</sup> Stoler, *Along the Archival Grain*, 27.

<sup>113</sup> Dirks, Dirks, “Annals of the Archive: Ethnographic Notes on the Sources of History,” 47.

<sup>114</sup> Dirks, “Annals of the Archive,” 47.



Figure 3. Minutes from FCC meetings held in 1976

### 3.6.3 The National Archives and Jimmy Carter Presidential Library

When studying the historical actions of a US government agency, the first place to look is the National Archives and Records Administration (NARA). NARA is the official repository for records of the United States of America.<sup>115</sup> Under its purview are the 15 presidential libraries located in various states across the country. Approximately 13 billion pages of textual records<sup>116</sup> are housed at all the NARA locations nationwide. The *Federal Register*, which is the official “newspaper” of the government is published by NARA as well and contains presidential documents, rules, proposed rules and notices.<sup>117</sup> NARA is also responsible for the Motion Picture, Sound, and Video Branch which contains more than 992,000 videos and sound

---

<sup>115</sup> Ethan M. Robinson and Amanda P. Turner, eds., *National Archives and Records Administration, Government Procedures and Operations* (Hauppauge, NY: Nova Science Publisher’s, Inc, 2011), 63.

<sup>116</sup> “About the National Archives of the United States,” National Archives, accessed February 20, 2023, <https://www.archives.gov/publications/general-info-leaflets/1-about-archives.html>.

<sup>117</sup> Amy Bunk, “Federal Register 101.”

recordings. I reviewed more than 5,000 unprocessed NTIA documents at Archives II and another 1,000 documents at the Jimmy Carter Presidential Library and Museum in Atlanta.

#### 3.6.4 Document Dump

Because of the sheer volume of content found in the archives and my limited time, I performed what is called a “document dump.” This means I took photos of as



*Figure 4. Docket 80-90 Files, National Archives, College Park, MD*

many textual documents as possible, skimming them in the process. Later, I spent countless hours reading and taking notes from these items in an effort to unearth an accurate account of what life was like during this period.

I found something comforting about the experience. Yes, conducting research in the archive can be anxiety inducing (as was the case for Dirks), but it was also quite enjoyable<sup>118</sup> and gratifying—especially when I became so engrossed in my work that it was almost impossible to stop and take a much-needed break.

There is an irony in the fact that Archives II is such a quiet place because this building is filled with millions of voices from the past. R.G.S. Carter promulgates, researchers and others

---

<sup>118</sup> Derrida and Prenowitz, *Archive Fever*.

visit the archives to listen, “to hear the stories of their ancestors and predecessors, to learn of the past actions of their governments, and to examine the activities of private organizations.”<sup>119</sup>

On archival research methods, Luciana Duranti and Giovanni Michetti caution: “Research is an integral component of archival work.”<sup>120</sup> To that end, I found my fair share of “orphans” in these files which I treated as clues looking for answers. I felt like I was following crumbs randomly dropped on the sidewalk, and with each discovery, my excitement grew; my hunger to discover more intensified, but so did my disappointment when I could not find a missing page, or the documents were not in sequential order. Items that should have been in Binder 1 and were dated 1979 were placed in Binder 3 with the papers from 1981. At Archives II, only one binder is allowed on the table at a time, and so I had to make notes about these discrepancies. Some of the items I viewed in the archive were difficult to decipher; some pages were slightly stuck together, the ink smeared and faded. During her work in the archives, Lynée Lewis Gaillet laments, “I’ve had other ‘ah-hah!’ moments involving archival finds that changed the trajectory of my research, but for the most part, archival research is somewhat tedious, involves following trails that fork, branch, or dissipate and rarely involves holy grail discoveries.”<sup>121</sup> I had plenty of revelatory moments which I will discuss later in this document that were confirmed by my oral history narrators.

---

<sup>119</sup> Carter, “Of Things Said and Unsaid,” 216.

<sup>120</sup> Luciana Duranti and Giovanni Michetti, “The Archival Method,” in *Research in the Archival Multiverse*, ed. Anne J. Gilliland, Sue McKemmish, and Andrew J. Lau, Social Informatics (Clayton, Vic: Monash University Publishing, 2017), 75.

<sup>121</sup> Lynée Lewis Gaillet, “Archival Survival: Navigating Historical Research,” in *Working in the Archives: Practical Research Methods for Rhetoric and Composition*, ed. Alexis E Ramsey et al. (Carbondale: Southern Illinois University Press, 2010), 29.



### 3.6.5 FCC Archives: A Deeper Look

There are hundreds of thousands of records at the FCC’s headquarters in Washington, DC. These can be accessed in the FCC’s Reading Room.<sup>122</sup> I attempted to visit the FCC Reading Room several times during the pandemic, but it was closed to the public.

Records are also located online at FCC.gov. The Media Bureau (MB) Consolidated Database System (CDBS), which is the central location for licensing information, is quite cumbersome to navigate. In fact, Catherine J.K. Sandoval says “the FCC datasets create barriers to analysis.”<sup>123</sup> Attorney Gary Smithwick, one of my informants, gave me instructions on how to use the site during our interview. Unfortunately, the documents needed for this dissertation were not digitized and could not be accessed online, but as Smithwick assured me that the information he and I spoke about would be useful during my visits to the National Archives.<sup>124</sup> He was correct.

Because of the massive amount of information generated and stored by the FCC, the government agency hires outside firms to search its archives and write its reports. Sandoval explains that these companies “put the same data in a format more conducive for analysis.”<sup>125</sup> She also points out that studies that track trends over any period of time “within or among large

---

<sup>122</sup> As of March 2023, the name of the FCC Reading Room has been changed to the Conventional Reading Room-FCC Reference Information Center, for more information see <https://www.fcc.gov/general/freedom-information-act-electronic-reading-room>.

<sup>123</sup> Catherine J.K. Sandoval, “Minority Commercial Radio Ownership: Accessing FCC Licensing and Consolidation Policies,” in *Communications Research in Action: Scholar-Activist Collaborations for a Democratic Public Sphere*, ed. Philip M. Napoli and Minna. Aslama (Fordham University Press, 2011), 89.

<sup>124</sup> Gary Smithwick (attorney) in discussion with the author, July 12, 2022.

<sup>125</sup> Philip M. Napoli and Joe Karaganis, “Toward a Federal Data Agenda for Communications Policymaking,” *CommLaw Spectus: Journal of Communications Law and Policy* 16, no. 1 (2008 2007), 53–96.

groups of broadcasters”<sup>126</sup> are challenging to conduct which is in direct conflict with “the FCC’s duties under the Administrative Procedures Act (APA) and the Data Quality Act (DQA) to ensure that rulemaking is based on reasoned and discernable analysis.”<sup>127</sup>

### 3.6.6 University of Maryland Special Collections and other Sources

I spent many hours in Hornbake Library at the University of Maryland reviewing files from the Broadcasting Archives. Documents from the National Association of Broadcasters (NAB) are housed at the Broadcasting Archives at the University of Maryland College Park. I read hundreds of magazine articles, newsletters and books. NAB spent a considerable amount of time notifying its members of the technical changes that would come about as a result of Docket 80-90. I found a recorded session from the 63<sup>rd</sup> NAB Annual Convention held on April 29, 1985, related to Docket 80-90 and the new FM allotments. The conference workshop was originally on cassette tape. I requested it be dubbed and sent to me as a digital file. The Broadcasting Archives also has official Equal Employment Opportunity (EEO) reports detailing the number of minority workers at radio stations across the country, trade magazines and other publications. I also viewed 17 hours of C-SPAN footage and a documentary on Black radio titled “Going Dark.”

### 3.6.7 Personal Archives

I reviewed a number of textual and digital documents from the personal archives of my participants. Personal archives can include family records, photos; company correspondence and

---

<sup>126</sup> Sandoval, “Minority Commercial Radio Ownership,” 89.

<sup>127</sup> Sandoval, “Minority Commercial Radio Ownership,” 90.

other materials,<sup>128</sup> mementos and souvenirs; as well as personal accounts, internet websites<sup>129</sup> and media in all of its various forms: music, print, video files, audio files, digital stories, notes, performances<sup>130</sup> manuscripts and the like. One of my informants sent me, via US Mail, newspaper articles and programs about her station and life. Another narrator texted me pictures of his radio station, the musicians who made on-air guest appearances and audio clips from air checks.

### 3.6.8 FCC FOIA Requests

As I narrowed down my dissertation topic looking for salient research questions, I knew I wanted to find the exact number of Docket 80-90 building permits granted, the number of African American women and men who applied for the new frequencies and those from that group who obtained building permits. Because I could not find this information online or in the Docket 80-90 files at Archives II, I requested it from the FCC archivist. My emails and phone calls went unanswered, so I submitted Freedom of Information Act (FOIA) requests. My first FOIA was filed online on December 16, 2021. Five months later, on May 27, 2022, Sima Nilsson, the attorney processing my request called me and asked me to withdraw my FOIA because government offices were still closed (due to the pandemic). During our call, Nilsson admitted that it would be very difficult to find the information I sought because the FCC did not keep track of those numbers, but she assured me her department would try to fill my request.

---

<sup>128</sup> Nakamura, "Indigenous Circuits," 920, 924.

<sup>129</sup> Zeitlyn, "Anthropology in and of the Archives," 462.

<sup>130</sup> Zeitlyn, "Anthropology in and of the Archives," 469.

Nilsson followed up with an email saying my inquiry would be “closed without prejudice” and she would “be in touch” in June when workers returned to the office.

I submitted my second FOIA request on July 11, 2022, but I had to withdraw this request on September 27, 2022, as there were still not enough staff in the FCC offices to “locate any records in agency storage.”<sup>131</sup> In an email, Nilsson apologized for the delay and asked me to re-submit my FOIA in two weeks.

My third FOIA request was submitted on October 11, 2022, and was filled on August 4, 2023. I was told that the FCC’s Media Bureau and Office of Managing Directors looked for the files I requested but was unable to locate them. The records may have transferred to NARA, but accession numbers could not be found.<sup>132</sup>

### 3.6.9 Oral History Interviews

I conducted a total of 50 oral history interviews with former FCC officials, radio station owners, attorneys, media brokers and scholars. Some of these interviews related directly to Docket 80-90. The subject matter of the others was related to the radio industry more broadly, the Carter Administration, and civil rights. Each conversation lasted between one to two hours. Because I focused on subject-oriented oral history interviews, my questions were more targeted. I did, however, allow each narrator to tell his or her story as it was remembered. I guarded these memories understanding that they are fleeting, and time causes remembrances to conflate.<sup>133</sup> I

---

<sup>131</sup> Sima Nilsson, email message to the author, May 27, 2022.

<sup>132</sup> Sima Nilsson, letter via email to the author, August 4, 2023.

<sup>133</sup> Renita Coleman, “Oral and Life Histories Giving Voice to the Voiceless,” in *Qualitative Research in Journalism: Taking It to the Streets*, ed. Sharon Hartin Iorio, LEA’s Communication Series (Mahwah, NJ: Lawrence Erlbaum Associates, 2004), 93–108.

followed best practices as outlined by the Oral History Association. I familiarized myself with the person being interviewed and consulted a number of sources to learn as much as I could before the interview began.<sup>134</sup>

Mark Feldstein humorously calls journalism and oral history “kissing cousins”<sup>135</sup> because they share a similar *modus operandi*.<sup>136</sup> As a former journalist, this relationship was of great interest to me. However, there are a few distinguishing differences. Of importance to this project is oral history’s propensity and appreciation of non-abrasive questioning, in-depth interviews<sup>137</sup> that result in what Anna Sheftel and Stacey Zembrzycki call “slow, thoughtful, and engaged listening.”<sup>138</sup> With oral histories, it is common, and expected, to interview the same person several times.<sup>139</sup> This was extremely challenging for me. As a journalist, it is embarrassing to interview the same person twice for the same news piece. Depending on the nature of the news story, this can be seen as a sign of ineptness. Not so much in oral history. I called several of my informants twice, to clarify responses and ask further questions.

Because most of my interviews were conducted via Zoom or phone, I also looked to video oral history methods for guidance. Of particular importance with this method is looking for

---

<sup>134</sup> “Best Practices,” Oral History Association, accessed March 10, 2023, <https://oralhistory.org/best-practices/>.

<sup>135</sup> Mark Feldstein, “Kissing Cousins: Journalism and Oral History,” *The Oral History Review* 31, no. 1 (2004), 1–22.

<sup>136</sup> Coleman, “Oral and Life Histories Giving Voice to the Voiceless.”

<sup>137</sup> Feldstein, “Kissing Cousins,” 9.

<sup>138</sup> Anna Sheftel and Stacey Zembrzycki, “Slowing Down to Listen in the Digital Age: How New Technology Is Changing Oral History Practice,” *Oral History Review* 44, no. 1 (May 24, 2017), 96.

<sup>139</sup> Coleman, “Oral and Life Histories Giving Voice to the Voiceless.”

nonverbal clues and letting silences speak.<sup>140</sup> Brien R. Williams rightfully notes that researchers must listen for more than what is said. For example, he notes that “an aural recording conveys more expressiveness through intonation, volume and audible nonverbal clues, laughter, sighing and the like.”<sup>141</sup> During one Zoom interview, my informant took me on a walking tour of her radio station, showing me bullet holes inside the building where the Ku Klux Klan (KKK) shot through the front doors.<sup>142</sup>

I was careful not to interrupt my interviewees; I wanted them to finish their thoughts, and sometimes my interviewees asked me, “Are you still there?” Obviously, if we were on a phone call, my narrator could not see me smile or nod my head. Zoom has latency issues, which at times made it seem like I was interrupting my narrator. Hannah Deakin and Kelly Wakefield found that using programs such as Skype to conduct qualitative research such as interviews has been beneficial.<sup>143</sup>

I used Otter.ai, an artificial intelligence program, to transcribe the oral history interviews. The application made thousands of mistakes, but this process was much less time-consuming than transcribing each interview myself. Once each interview was complete, I listened to it and “cleaned it up” by adding omitted words and making sure the transcripts were correctly written verbatim.

---

<sup>140</sup> Brien R. Williams, “Doing Video Oral History,” in *Handbook of Oral History*, ed. Thomas L. Charlton, Rebecca Sharpless, and Lois E Myers (Lanham, MD: Altamira Press, 2006).

<sup>141</sup> Williams, “Doing Video Oral History,” 268.

<sup>142</sup> Tori Bailey (general manager, WZZA, Muscle Shoals Broadcasting Co.) in discussion with the author, April 16, 2020.

<sup>143</sup> Hannah Deakin and Kelly Wakefield, “Skype Interviewing: Reflections of Two PhD Researchers,” *Qualitative Research* 14, no. 5 (October 1, 2014), 603–16.

### 3.7 Context is Key: Change and Civil Rights

When the FCC began considering Docket 80-90 in the late 1970s, the United States was firmly entrenched in the headwinds of seismic social change and political turmoil. The country was dealing with the fallout from the Vietnam War and Watergate. They were also adjusting to a world where Jim Crow and segregation were illegal. These battles left many Americans, regardless of race, fatigued. Several of my narrators stressed the importance of understanding the mood of the country in the decades and years before Docket 80-90 was adopted.

Now, I provide an overview of the country's climate between 1960 and 1980. I show how the 1960s ushered in a series of long overdue changes that challenged written and unwritten laws of discrimination that had been baked into the social fabric of American life. I situate my topic by placing it in the context of those societal shifts and provide a brief overview of the civil rights legislation passed during this period. I then focus on shifts at the FCC officials and the people who led citizens groups and trade associations that worked to right those wrongs; I quote them on their motivations for acting and reacting the way they did.

### 3.8 Discrimination: The American Way of Life

Affirmative action can be traced to Executive Order 10925, which was issued by President John F. Kennedy in 1961. It includes anti-discriminatory language directed towards government contractors and the treatment of their employees. The document states, "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin."<sup>144</sup>

---

<sup>144</sup> Executive Order 10925, JFKPOF-81-005-p0027, Labor, 1961: April-May, John F. Kennedy Presidential Library and Museum, accessed March 12, 2023, <https://www.jfklibrary.org/asset-viewer/archives/JFKPOF/081/JFKPOF-081-005>, 27.

The purpose of this executive order was to shore up the government's pledge to provide impartial and equitable treatment of federal workers.

On July 2, 1964, President Lyndon B. Johnson signed the Civil Rights Act of 1964, which put a legal end to segregation and gender discrimination by prohibiting prejudicial treatment “on the basis of race, color, religion, sex or national origin.”<sup>145</sup> This applied to schools, libraries, hospitals, training programs and the like that received federal funding. Employers in the private sector were forced to make their hiring practices more equitable as well. Title VII amended the Civil Rights Act of 1964 and made it illegal for private companies employing 25 people or more to discriminate against women. The EEOC was created as a way to execute Title VII.

When the Civil Rights Act of 1964 was enacted, only five radio stations in the United States were Black-owned.<sup>146</sup> The next forty years brought incremental increases in ownership, but those would not have been impossible without pressure from citizen groups and government officials dedicated to bringing attention to these dismal ownership numbers.

The Voting Rights Act of 1965 shored up the Twenty-Fourth Amendment, ratified in 1964, which abolished poll taxes and established the right of citizens to vote in any election for President or Vice President or Congress.<sup>147</sup> No longer would arbitrary “literary tests”<sup>148</sup> or other

---

<sup>145</sup> United States Commission on Civil Rights, *Civil Rights Under Federal Programs, Civil Rights Act of 1964: An Analysis of Title VI*, CCR Special Publication-Number 1 (Washington, DC, 1965), 8.

<sup>146</sup> Kevin Boyle, “Radio, Race, and the Re-Writing of Civil Rights,” ed. Brian Ward, *Reviews in American History* 33, no. 2 (2005), 249–53.

<sup>147</sup> Herman Belz, *Equality Transformed: A Quarter-Century of Affirmative Action*, Studies in Social Philosophy & Policy, no. 15 (Bowling Green, OH: New Brunswick, USA: Social Philosophy & Policy Center; Transaction Publishers, 1991).

<sup>148</sup> United States Commission on Civil Rights, *The Voting Rights Act: The First Months* (Washington: United States Commission on Civil Rights, 1965), 1.



artificial requirements such as poll taxes be administered to Blacks before they could cast their votes in Southern states. Calling the Voting Rights Act of 1965 “revolutionary,”<sup>149</sup> Paul Finkelman says it also eliminated the complex registration processes and dealt with states that “simply refused to allow Blacks to register to vote.”<sup>150</sup>

In 1965, President Johnson also signed Executive Order 11264 mandating affirmative action. The Civil Rights Act of 1968 addressed inequities in the housing sector. New legislation made it unlawful, for example, to mislead renters or buyers about the availability of a property based on the person’s “race, color, religion or national origin.”<sup>151</sup>

By 1969, Robin D.G. Kelly and Earl Lewis say African Americans were “surprisingly optimistic... [about these] remarkable gains.”<sup>152</sup> The US Commission on Civil Rights wrote: “Discrimination denies to those who are excluded an opportunity to improve themselves.”<sup>153</sup> Those words brought new promises and hopes for African Americans to find mainstream success in ways that had never before been possible.

Theoretically, this legislation was supposed to end Jim Crow laws and gender discrimination, but racism was embedded into the very fabric of peoples’ lives and buckled very little in the face of these initiatives. Fife stresses these policies did not “influence majority

---

<sup>149</sup> Paul Finkelman, “The Necessity of the Voting Rights Act of 1965 and the Difficulty of Overcoming Almost a Century of Voting Discrimination,” *Louisiana Law Review* 76, no. 1 (2015), 183.

<sup>150</sup> Finkelman, “The Necessity of the Voting Rights Act of 1965,” 184.

<sup>151</sup> *Fair Housing 1968: An Interpretation of Title VIII (Fair Housing) of the Civil Rights Act of 1968*, SR/MP-68 (Washington, DC: U.S. Dept. of Housing and Urban Development, 1968), 1.

<sup>152</sup> Robin D.G. Kelley and Earl Lewis, “Introduction,” in *Into the Fire: African Americans since 1970* (New York: Oxford University Press, 1996), 6.

<sup>153</sup> United States Commission on Civil Rights, *Civil Rights under Federal Programs; the Civil Rights Act of 1964: An Analysis of Title VI*, 5.

society perceptions of structural or institutional aspects of racism which ha[d] implications for larger critiques of inequality in America.”<sup>154</sup>

Docket 80-90 owner Evelyn Ray-Rogers stressed the importance of understanding where women stood in the workplace during the 1960s and 1970s.<sup>155</sup> Ray-Rogers was an EEOC specialist for the federal government. She described the government’s efforts to open the general workforce to women in the 1960s while making efforts to create equitable workplaces for Blacks and other minorities. A product of affirmative action, Ray-Rogers was one of the first people recruited to work for the Department of Defense in her hometown—St. Louis. After she graduated from the University of Missouri, she went to work in human resources and compensation.<sup>156</sup> According to Henry Rivera, the first Hispanic FCC Commissioner,

There were many moves to curtail the Equal Employment Opportunity Policy in the early 80s, to do a lot of things that were not terribly favorable to minorities; and, instead to look to marketplace solutions to help them, rather than to government initiatives.<sup>157</sup>

Ray-Rogers’s story will continue in Chapter 7 with a discussion of her experiences as an FM radio station owner, but her focus on being African American and a woman are key to this dissertation.

---

<sup>154</sup> Fife, “Promoting Racial Diversity in US Broadcasting.”

<sup>155</sup> Evelyn Ray-Rogers (former owner, KJMY) in discussion with the author, February 27, 2021.

<sup>156</sup> Ray-Rogers, discussion.

<sup>157</sup> Henry Rivera as quoted in Ivy Planning Group LLC, “Whose Spectrum Is It Anyway?: Historical Study of Market Entry Barriers, Discrimination and Changes in Broadcast and Wireless Licensing 1950 to Present,” 93.

### 3.9 Fighting the FCC

The FCC was not immune to changes taking place in the broader culture. Smith explains: “Except on rare occasions, the FCC never discussed, or considered the effects that the development of their allocations policy had on the entry of Blacks and other minorities into broadcasting.”<sup>158</sup> Slowly, however, changes started taking place that would give minorities opportunities to own radio and TV stations. William Kennard, Jennifer Smith and Byron Marchant write,<sup>159</sup> “the FCC began to acknowledge that minorities and women had long been underrepresented or misrepresented by the mostly White, male-owned and-dominated broadcast media.”<sup>160</sup> According to Ward, this movement by the FCC at the end of the 1960s and near the beginning the 1970s signaled the agency’s increasing awareness and acceptance, albeit slowly, “to Black complaints against broadcasters who failed to either employ, adequately pay, or promote Black employees or who failed to serve the interest of their Black listeners in accordance with their licensing provisions.”<sup>161</sup> Spurred by the report from the National Advisory Commission on Civil Disorders (also known as the Kerner Commission), Evans writes, “Preference programs were developed in the late 1960s.”<sup>162</sup> The FCC began giving preferences,

---

<sup>158</sup> J. Clay Smith Jr., “Telecommunications and Black Americans: The Unmeasured and Untold Marketplace Factor Untold Marketplace Factor,” (speech, The Fifteenth Annual Communications Conference), “Communications: A Key to Economic and Political Change,” (Howard University, February 13, 1986), 3.

<sup>159</sup> William Kennard, Jennifer Smith, and Byron Marchant, “Minority Business Development and Equal Employment Opportunity in the Telecommunications Industry,” in *One Nation, Indivisible: The Civil Rights Challenge for the 1990s*, ed. Reginald C. Govan, William L. Taylor, and Citizens’ Commission on Civil Rights (U.S.) (Washington, DC: Citizens’ Commission on Civil Rights, 1989), 324–49.

<sup>160</sup> Kennard, Smith, and Marchant, “Minority Business Development,” 324.

<sup>161</sup> Ward, *Radio and the Struggle for Civil Rights in the South*, 285–86.

<sup>162</sup> Evans, “Are Minority Preferences Necessary?,” 381.

merits and “‘qualitative enhancement’ to minority-owned applicants compet[ing] against other qualified applicants for a license.”<sup>163</sup>

### 3.9.1 Nicholas Johnson: Maverick, Triple Threat, Too Hot to Handle

FCC Commissioner Nicholas Johnson, who was White, served on the FCC from 1966–1973. *Business Week* called him “the young maverick.”<sup>164</sup> *Rolling Stone* said he was a “triple threat” because, unlike lawmakers, he could “talk, write and think.”<sup>165</sup> *Ebony*’s Phyl Garland likened him to a “renegade.”<sup>166</sup> Even Johnson considered himself “too hot to handle.”<sup>167</sup> The liberal attorney was appointed to the FCC in 1966 by President Johnson (no relation), who wanted “someone to shake it up.”<sup>168</sup> When I requested an interview with Johnson, he agreed, but warned that he was born in 1934, and I would be asking him about “things he thought, wrote and spoke over a half-century ago.” During our interview, I found him to be quite astute, charming, and hilarious.

Born in Iowa City, IA, Johnson grew up in an all-White community and rarely saw any African Americans or people of color.<sup>169</sup> He did not fully understand discrimination until he saw it in action while attending the University of Texas at Austin in the 1950s where he earned both

---

<sup>163</sup> Kennard, Smith, and Marchant, “Minority Business Development,” 343.

<sup>164</sup> “Beaming to the Ghetto: Black Radio Tells it Like it is,” *Business Week*, September 7, 1968, 75.

<sup>165</sup> Howard Junker, “The Greening of Nicholas Johnson,” *Rolling Stone*, April 1, 1971, 32.

<sup>166</sup> Phyl Garland, “Blacks Challenge the Airwaves,” *Ebony* 26, no. 1 (November 1970), 38.

<sup>167</sup> Nicholas Johnson (former FCC Commissioner) in discussion with the author, Thursday, March 30, 2023.

<sup>168</sup> Joseph A. Califano, “To LBJ, Government Was Never Neutral,” *Washington Post*, (February 4, 1973, sec. OUTLOOK Editorials Columnists.

<sup>169</sup> Nicholas Johnson, email message to author, March 24, 2023.

his undergraduate and law degrees. It was there that he saw segregation firsthand. Johnson remembers the shock of seeing White and Black bathrooms, including in the hospitals. He thought it all “just ludicrous” that they had to have separate bathrooms for the doctors and all the workers and all the patients.

President Johnson named Nicholas Johnson as Maritime Administrator in 1964.<sup>170</sup> He learned quite a bit about how Washington worked and took those lessons to the FCC a few years later when he was appointed to the Commission. Of his time at the FCC, he said:

I took public office very, very seriously. You know, you’re there to work for the people. You need to speak truth to power and try to set things right as best you can. And when the FCC was doing things they shouldn’t be doing or weren’t doing the kinds of things. Those who wrote the Radio Act of ’27 and Communications Act of ’34 in mind, and that should be pointed out people shouldn’t be made aware of that. So that was sort of my attitude.<sup>171</sup>

He also spoke out forcefully against the racism and inequities he saw in the broadcasting industry.<sup>172</sup>

When asked where this desire to advocate for minorities and women developed, he said:

[I] always kind of believed in fairness and decency and trying to make our country the best it could be and acknowledge all the bad stuff we’ve done and tried to do better. I don’t know where that where that comes from. My folks, I suppose initially.”<sup>173</sup>

But the reality of working in the segregated South was his motivation. He recalls:

The 1950s were not that different from the 1920s and 30s.... I clerked for a judge who was a part of the ‘fifth circuit five’ and that included... the southern states, so I had experiences not only in Texas but in those other states as well. As a result of that

---

<sup>170</sup> “Nicholas Johnson Appointed U.S. Maritime Administrator,” *Iowa City Press-Citizen* (Iowa City, IA), February 20, 1964.

<sup>171</sup> Nicholas Johnson (former FCC Commissioner) in discussion with the author, March 30, 2023.

<sup>172</sup> Garland, “Blacks Challenge the Airwaves,” 38.

<sup>173</sup> Nicholas Johnson (former commission Federal Communications Commission) in discussion with the author, March 30, 2023.

experience, I spent the rest of my life trying to figure out how I could change that.<sup>174</sup>

At the 1968 National Association of Television and Radio Announcers' (NATRA) Conference in Miami, for example, Johnson spoke out about the injustices but upset attendees in the process. NATRA was a predominantly Black organization and according to published reports, in 1968 had more than 500 members and 250 associate members from all facets of the industry.<sup>175</sup> In a speech titled "Soul Music is Not Enough,"<sup>176</sup> Johnson took aim at White radio managers for their discriminatory behaviors. But he also told Black deejays they needed to find ways to focus on more community outreach: "When your listeners are crying out to understand and to be understood, and you keep on spinning the Top Forty, you may literally find yourself a modern-day electronic Nero, playing fiddle music while your own Rome burns."<sup>177</sup> Attendees felt targeted especially since they had no input in decisions made at the station. In fact, radio deejays and hit singer Carlton "King" Coleman, known for his 1950s hit song "(Do the) Mashed Potatoes"<sup>178</sup> was quoted in *Jet* as saying, "I'm not going to stand idly by and let this man say what he's been saying without telling it like it is. We announcers have no control over programming."<sup>179</sup> But that did not deter Johnson. A year later, in a speech at the University of Iowa, he told attendees about a Black deejay who wanted to add a brief news segment to his

---

<sup>174</sup> Johnson, discussion.

<sup>175</sup> "Gives 'Golden Mic' Awards to King Crosby," *Jet*, September 5, 1968, "Broadcasters' Banquet Tonight Honors Mrs. King, Bill Cosby," *Miami Herald*, August 17, 1968.

<sup>176</sup> Bernard E Garnett, "Special Report: How Soulful Is 'Soul' Radio?," *Sun Reporter*, May 9, 1970.

<sup>177</sup> Garnett, "Special Report," 11.

<sup>178</sup> Associated Press, "R&B Pioneer King Coleman Dies in Miami; Was 78," *St. Augustine Record*, September 12, 2010.

<sup>179</sup> "Gives 'Golden Mic' Awards to King Crosby," 58.

shift. The White radio station owner stymied his efforts, putting his racist views and profits over the need to inform the Black community.<sup>180</sup>

In 1971 in his strongly worded dissent *In the Matter of KSAN, Inc. Licensee of Radio Station KEST, San Francisco, Calif., Request for Investigation*, Johnson accused his fellow commissioners of failing to take charges of racial discrimination against radio station KSAN seriously. According to FCC documents, management changed the call letters of its station KSOL (most likely pronounced K-soul to appeal to Black listeners) to KSET, revised its format “from music oriented exclusively for the Black community to ‘popular-middle-of-the-road music,’”<sup>181</sup> and fired six African American disc jockeys. The deejays did not know they had been fired until they showed up to work and found the locks on the doors changed. Public outcry was intense and the NAACP, Oakland Black Caucus, and nine other organizations protested. Johnson was the only commissioner to dissent in this case. In his fiery opinion, he wrote:

I believe the Commission has abdicated its legal responsibility to investigate the charges of employment discrimination now before us. I believe there is a substantial basis for inquiry into the charges of discrimination. . . . I stated in the earlier KSOL dissent I find this reasoning repugnant. The suggestion that Blacks are suitable for Black shows but not for ‘middle-of-the-road’ shows is an almost classic racist statement precisely what our equal employment rules are all about.<sup>182</sup>

KSAN did not lose its radio license.

In 1972, Johnson joined Benjamin Hooks, the first African American FCC commissioner, and voted against the license renewals of three White-owned stations in Omaha, NE. When the

---

<sup>180</sup> Iowa Digital Library, Nicholas Johnson Press Conference and Speech at University of Iowa, Iowa City, IA, November 17, 1969, Nicholas Johnson Collection (The University of Iowa Libraries), <https://digital.lib.uiowa.edu/islandora/object/ui%3Anicholasjohnson>.

<sup>181</sup> In the Matter of KSAN, Inc. Licensee of Radio Station KEST, San Francisco, Calif., Request for Investigation, Memorandum Opinion and Order, FCC 71-737, July 14, 1971.

<sup>182</sup> In the Matter of KSAN.

stations' licenses came up for renewal, the Black Identity Education Association (BIEA) challenged the renewals saying the stations made half-hearted attempts to "train minority people for jobs in broadcasting."<sup>183</sup>

During his seven years on the Commission, Johnson was targeted and attacked for his liberal stance. While most of his FCC colleagues were collegial, he told me about a time when Dean Burch, FCC Chairman at the time, threatened him. Johnson recalls Burch saying in an open meeting that "if I kept doing that, he was going to take me out behind the FCC building and beat the hell out of me, but he chose not to act on that assertion. Some [of the other commissioners] just ignored me." Despite this, Johnson continued advocating for Black empowerment. Understanding his actions would limit future opportunities, Johnson said, "I knew what I was doing at the FCC. I would never have a job in a Washington, DC law firm... but I knew that, and I was willing to pay that price. Great wealth was never my aspiration anyway."

Johnson speculated he made "somewhat" of an impact at the FCC. His goal was to make sure African Americans knew they were welcome to speak their minds to the FCC. In turn, he says he was "invited to a lot of all-Black events, and I felt very honored by that. It just seemed to be the natural thing to do. I did it because it was right, and it needed to be done."

Unfortunately, he is not very encouraged about the future. He laments: "I figured I was born about the right time, and I would die about the right time. But the right time to die has already passed. It's just getting worse."<sup>184</sup> During his tenure, Johnson issued more than 400

---

<sup>183</sup> "FCC Member Hooks Votes to Deny Station Licenses," *Jet*, October 19, 1972, 5.

<sup>184</sup> Johnson, discussion.



opinions. He and Benjamin Hooks voted together on many of the issues presented before them at the Commission.

### 3.9.2 Benjamin Hooks: Making Progress at the FCC

While much has already been written about the first Black FCC Commissioner, his work as it relates to increasing minority radio ownership should be mentioned here. When, in 1972, a vacancy became available on the FCC commission, the Congressional Black Caucus (CBC) urged President Richard Nixon to fill the position with a qualified Black person. According to published reports at the time, the top three contenders were Hooks, a Republican; attorney Revius Ortique, a Democrat, and communications consultant Ted Ledbetter, an Independent.<sup>185</sup>

Nixon chose the Republican to serve as a commissioner. In his autobiography, Hooks writes that after initially turning down the position, his wife demanded he reconsider and accept it—which he did.<sup>186</sup> The judge and minister was sworn in on July 5, 1972. He served as the Equal Employment Opportunity Commissioner of the FCC. He says within days of starting his new job, he knew he was going to have to “[confront and try] to right some of the historic wrongs involving race and gender.... A monumental task indeed! And one I would not wish on my worst enemy.”<sup>187</sup> Hooks says the agency was “just as racist as any other in the United States,”<sup>188</sup> but “as a Black man, I had the additional motivation—no, the mandated mission and

---

<sup>185</sup> “New Black Candidate in FCC Sweepstakes,” *Broadcasting: The Business Weekly of Television and Radio*, January 24, 1972; Nan Robertson, “BLACKS IN HOUSE DENOUNCE F.C.C.: Urge Watchdog Panels for Rights in News Media,” *New York Times*, March 9, 1972.

<sup>186</sup> Hooks and Guess, *The March for Civil Rights*.

<sup>187</sup> Hooks and Guess, *The March for Civil Rights*, 101.

<sup>188</sup> Hooks and Guess, *The March for Civil Rights*, 102.

determination—to seek to change historic racial policies and, hopefully, the attitudes from which these policies spring.”<sup>189</sup>

In an oral history interview with The HistoryMakers about his five years at the FCC, Hooks reflected on “the changes we were able to bring about just by being a member of the FCC. The whole climate of the communications industry changed.”<sup>190</sup> Hooks also said he represented the changes taking place across the country. In 1972, when he joined the FCC there were approximately 16 Black-owned radio stations and no Black-owned TV stations.<sup>191</sup> One of his accomplishments was hiring more Black employees at the agency. When Hooks first started, some 2,200 people worked at the FCC. This included 300 lawyers, only three of whom were Black, and 200 engineers, only two of whom were Black. By the time Hooks left, he says the Commission had hired “70 Black lawyers” and several Black engineers.<sup>192</sup> Because he was the newest member, and most likely because he was Black, he handled the backlog of “minority queries”<sup>193</sup> that had piled up from the 1960s that had been ignored.

During his term, he spoke out in favor of preferences that would increase Black broadcast ownership. On September 19, 1972, he appeared on *The Today Show* and said:

There’s nothing wrong with giving them special aid... to give them the opportunity to compensate them for past handicaps. I think this nation will finally have to come around to that conclusion that you simply cannot expect people who’ve been handicapped and

---

<sup>189</sup> Hooks and Guess, *The March for Civil Rights*, 103.

<sup>190</sup> Reverend Benjamin Hooks (The HistoryMakers A2003.168), interviewed by Larry Crowe, July 24, 2003, The HistoryMakers Digital Archive. Session 1, tape 3, story 9, Benjamin Hooks recounts how he became a commissioner of the FCC.

<sup>191</sup> “Growth Market in Black Radio,” *Broadcasting: The Business Weekly of Television and Radio*, January 24, 1972.

<sup>192</sup> Hooks and Guess, *The March for Civil Rights*, 102.

<sup>193</sup> Hooks and Guess, *The March for Civil Rights*, 104.

hobbled for 100 years or more in freedom and 200 years of slavery before that to come out now on the track and compete equally.<sup>194</sup>

Just days before his *Today Show* appearance, he made a similar suggestion when the FCC refused to award preference points for Blacks to a company looking to build a new TV station in Orlando, FL. According to Hooks, the Black members of the company owned 14.17 percent of the failed company. Hooks was disappointed with the outcome because no Blacks at the time owned a TV station.<sup>195</sup> Years later, Hooks explained his thinking, saying the preferences would be

computed along with the various other criteria; nowhere have I suggested that Black ownership, standing alone, should be dispositive.... Blacks have been for so many years, oppressed by racist and artificial devices that it may take other ‘artificial’ measures to offset the prevailing conditions.<sup>196</sup>

In 1976, the Commission “reiterated and clarified...[its] policy on employment discrimination”<sup>197</sup> and pronounced its support for affirmative action. The FCC declared, “An Affirmative Action Plan is a set of specific and result-oriented procedures which broadcasters

---

<sup>194</sup> Benjamin Lawson Hooks Papers, The University of Memphis, Preservation & Special Collections Department of the University Libraries, Interview on *The Today Show* with Bill Monroe, September 19, 1972.

<sup>195</sup> In Re Applications of Mid-Florida Television Corp., Orlando, Fla. Central Nine Corp, Orlando, Fla.; Florida Heartland Television, Inc. Orlando, Fla. Comint Corp., Orlando, Fla.; TV 9 Inc., Orlando, Fla. For Construction Permit for New Television Broadcast Station Order, Adopted September 13, 1972, Docket No. 11083 File No. BPCT-1801, Docket No. 17339 File No. BPCT-3697, Docket No. 17341 File No. BPCT-3737, Docket No. 17342 File No. BPCT-3738, Docket No. 17344 File No. BPCT-3740, FCC 72-803.

<sup>196</sup> Compendium of Statements and Opinions of Commissioner Benjamin L. Hooks on Minority Ownership in the Broadcasting Industry, Prepared for Federal Communications Commission’s Minority Ownership Conference, April 25-26, 1977, Communications Workshop Meeting, 7/7/77, box 5, Washington, DC Martha (Bunny) Mitchell, Jimmy Carter Library.

<sup>197</sup> Statement of Policy on Minority Ownership of Broadcast Facilities, Public Notice, F.C.C. 2d 979, May 25, 1978.

must follow to ensure that minorities and women are given equal and full consideration for job opportunities.”<sup>198</sup>

Hooks says one of his final accomplishments before leaving the Commission was approaching the Small Business Administration (SBA) and asking the agency to change its policy “against making direct loans to minorities to purchase broadcast properties.” In a piece Hooks penned that ran in newspapers across the country such as the *Tri-State Defender* (Memphis), Hooks said that he and FCC Chairman Wylie met with the SBA administrator explaining “the problem confronting potential minority broadcast property buyers and suggested that since the SBA’s position against making such direct loans... was only a policy not a rule, how about simply declaring that policy at end?”<sup>199</sup>

In my opinion, one of his greatest accomplishments was working with Wylie to hold a two-day conference focused on increasing minority broadcast ownership. The Minority Ownership in Broadcasting Conference, held in April 1977, resulted in the FCC later adopting policies aimed at increasing minority ownership. Ideas discussed at the event would later result in Docket 80-90. During his remarks at the event, Hooks told attendees that his career at the FCC was spent “fostering the development of greater minority ownership and the provision of equal employment opportunity for minorities in the broadcasting industry have been two of my main

---

<sup>198</sup> Hearings Before the Subcommittee on Communications of the Committee on Commerce, United States Senate, Ninety-fourth Congress, First Session on S. Res. 318, Expressing the Sense of the Senate with Respect to Authorizing Domestic Satellites Pursuant to the Communications Act of 1934, December 9, 1975, Serial No. 94-52, (U.S. Government Printing Office, 1976), 271.

<sup>199</sup> Benjamin Hooks, “New Day Begun: Minority Broadcasters Means Added Voices to the Market Place,” *Tri-State Defender* (Memphis), October 15, 1977, 5.

priorities.”<sup>200</sup> A detailed discussion of the event will occur in the next chapter, but it is essential to highlight this event now as it shows Hooks’s impact at the FCC.

With 21 months left in his term, Hooks left the FCC in 1977 to become chairman of the National Association for the Advancement of Colored People (NAACP).<sup>201</sup> It is rumored that he would have been named FCC chairman if Carter won election.<sup>202</sup> However, Hooks’s time with the FCC championing minority issues was successful. In his autobiography, he wrote, “On every major issue involving minorities during our tenure, the vote was 7-0. This was a remarkable time for the progress of minorities at the FCC.”<sup>203</sup>

### 3.9.3 Tyrone Brown: Not on My Watch

Tyrone Brown replaced Hooks, serving the rest of his seven-year term on the Commission and picking up the mantle of trying to increase minority broadcast ownership. *Ebony*’s Alex Poinsett described Brown as professorial and wrote this about the former commissioner: “Eyeglasses askew, ever-present cigarette burning menacingly, foot propped on a coffee table fronting his office sofa, FCC Commissioner Tyrone Brown is the model of the consummate intellectual....”<sup>204</sup> Appointed to the position in 1977 by Carter, Brown was working as an attorney for a tax law firm Caplin and Drysdale when Carter invited him to serve on the

---

<sup>200</sup> Compendium of Statements and Opinions of Commissioner Benjamin L. Hooks.

<sup>201</sup> Robert Benjamin, “Carter Taps Tyrone Brown for Hooks’ Seat on FCC,” *Afro-American*, September 24, 1977.

<sup>202</sup> Drew VonBergen, “Major Measure in Congress Laid to AT&T,” *Richmond Times-Dispatch*, September 26, 1976, D-6.

<sup>203</sup> Hooks and Guess, *The March for Civil Rights*, 114.

<sup>204</sup> Alex Poinsett, “Tyrone Brown: Traffic Cop Of The Airwaves,” *Ebony* 35, no. 8 (June 1980), 115.

FCC. He initially turned down the Carter’s request because it was only for a two-year term,<sup>205</sup> but the new FCC Chair, Charles D. Ferris, convinced Brown to take the position.<sup>206</sup> Brown spoke of the collective trauma of the nation as Americans struggled with the tangible effects of discrimination and worked through the fallout from the Watergate scandal, the anger about the Vietnam War, and the revelations from the Pentagon Papers, and mourned the shocking death of Dr. Martin Luther King Jr. According to Brown, the most crucial part of the 1970s started in the 1960s. He said, for example, that the war raging in Vietnam and “the mobilization of the effort to get out of Vietnam by young people... became absolutely huge.... There were demonstrations. Huge demonstrations at least once a quarter in Washington, DC and many other cities.”<sup>207</sup>

Brown had only lived in Washington DC for about a year when King was assassinated. At the time, he was a law clerk for Supreme Court Chief Justice Earl Warren.<sup>208</sup> He recalled sitting at his desk on April 5, 1968—the day after Dr. King’s death—and, from the window of his second-floor office in the United States Supreme Court building, seeing plumes of smoke pouring from structures in what was then the old downtown area of Washington, DC. The fires were the result of anger and frustration that had reached a bubbling point. According to Brown,

---

<sup>205</sup> Les Brown, “Charles Ferris Named to Head F.C.C.,” September 14, 1977.

<sup>206</sup> “Washington Lawyer to Accept Nomination to Term on F.C.C.,” *New York Times*, September 18, 1977.

<sup>207</sup> Tyrone Brown (former commissioner, Federal Communications Commission) in discussion with the author, November 21, 2021.

<sup>208</sup> Tyrone Brown (The HistoryMakers A2012.062), interviewed by Larry Crowe, March 6, 2012, The HistoryMakers Digital Archive. Session 1, tape 5, story 8, Tyrone Brown describes working as a law clerk for Chief Justice Earl Warren.

African Americans, who had been quite hopeful, became disappointed when they realized their situation was improving but true equality was still beyond their reach.<sup>209</sup>

While at the FCC, Brown stood firmly behind initiatives that would increase the presence of not only African Americans but minorities more broadly in the media. In fact, when he began his tenure, he had several goals for himself. Among them was easing regulatory red tape and increasing opportunities for minorities and women.<sup>210</sup>

FCC actions taken to deregulate the broadcast industry while Brown was a Commissioner fundamentally altered the way the broadcast industry operated.<sup>211</sup> Brown notes: “There was a big effort to deregulate areas that really didn’t need regulation.”<sup>212</sup> He sincerely wanted to “work to make the regulatory process more responsive” and was initially a staunch supporter of deregulation.<sup>213</sup> He said:

There were people inside the Commission who looked at the economics of the commission and broadcasting who decided that... there was no reason for much of the regulation that was in the context of a general feeling in government that many industries could be and should be deregulation because the regulations weren't serving any real purpose.<sup>214</sup>

For example, TV and radio station owners were required to survey their audiences periodically to make sure they were meeting their audience’s needs and served their communities. Brown said what seemed like extra work “drove broadcasters absolutely crazy... insane.” Specifically,

---

<sup>209</sup> Brown, discussion.

<sup>210</sup> Theresa A. Bourgeois, “Tyrone Brown—An Interview,” *Access*, November 5, 1979.

<sup>211</sup> Smith, “Charles Ferris.”

<sup>212</sup> Brown, discussion.

<sup>213</sup> Bourgeois, “Tyrone Brown—An Interview.”

<sup>214</sup> Brown, discussion.

because broadcasters were required to interview everyone, including minorities, “Minority communities were very interested in maintaining the radio regulations,” Brown said.<sup>215</sup> Smith writes: “The Ferris FCC revised commercial radio regulations by convincing fellow Commissioners that deregulation would diversify ownership and encourage innovation and, as a result, the public would be better served.”<sup>216</sup> With that in mind, Brown initially supported deregulations. However, when he learned that language requiring stations to “ascertain” community needs would be omitted, he changed his vote. He said he and Charles Ferris, the FCC Chairman, were friends, “but on this issue, he knew I was never going to vote for it.”<sup>217</sup> Brown remained steadfast on the issue throughout the remainder of his time with the Commission and continued standing up for minorities at every turn.

#### 3.9.4 Charles D. Ferris: Drafter of Civil Rights Legislation

Charles D. Ferris was handpicked by Carter to lead the agency in 1977. With a vote of 84-0,<sup>218</sup> the Senate agreed unanimously to confirm Ferris. Prior to leading the FCC, Ferris worked on Capitol Hill as general counsel for the very powerful House Speaker<sup>219</sup> Thomas “Tip” O’Neil.<sup>220</sup> Before that, he worked for Senate Majority Leader Mike Mansfield and was chief of staff of the Democratic Policy Committee. In that position, Ferris helped draft the Civil Rights

---

<sup>215</sup> Brown, discussion.

<sup>216</sup> Smith, “Charles Ferris,” 150.

<sup>217</sup> Brown, discussion.

<sup>218</sup> AP, “Senate Votes Confirm Nominees For F.C.C. and Safety Board,” *New York Times*, October 12, 1977.

<sup>219</sup> Brown, discussion.

<sup>220</sup> Brown, “Charles Ferris Named to Head F.C.C.”



Act of 1964.<sup>221</sup> Ferris said the changes taking place legislatively were “long overdue.”<sup>222</sup> Just like Brown, Ferris took stock of the mood of the country with Vietnam and Watergate clouding the collective thoughts of the nation. He said King’s assassination and the resulting riots

...caused a great deal of concern [in Congress]. It almost was something that should have been expected. I have always felt that the greatest Americans are the Black Americans. If I were born Black and was subjected to what they had been subjected to their entire lives, I would have been a revolutionary. With the passage of the Civil Rights bill of ‘64 and then the Voting Rights Act of ‘65, they began to see a little daylight in their lives, some measure of control, some relief to the despair that had been a part of their lives for so long. So, they began to flex their muscles. They were dissatisfied with the restrictions in where they must live, and the jobs that were available to them.<sup>223</sup>

Ferris points out the crucial role the media played while legislators were debating the civil rights bill. The media brought the deliberations into peoples’ homes. He remembers:

The Senate proceedings were reported daily on television around the country. Roger Mudd reported several times each day with a running clock of the cumulative numbers of hours that the debate had consumed... It was the first piece of major legislation that was covered daily on television. The details and dynamic of the debate led the daily news for three months. The whole country followed these reports of the debate as if the proceedings were televised (and this was fifteen years before TV was permitted in Congress). It took away the possibility of a backroom compromise. Transparency had come to Capitol Hill because of the coverage by the media.<sup>224</sup>

Ferris highlighted this during his first speech as FCC chairman which he gave at the 56th annual National Association Broadcasters (NAB) convention in Las Vegas.<sup>225</sup> There, he said: “Without broadcasting, Americans would not have witnessed Bull Connor, Birmingham or the march on

---

<sup>221</sup> Charles D. Ferris interview by Donald A. Ritchie, DC, April 15, 2004, transcript at <https://www.senate.gov/about/resources/pdf/ferris-charles-d-full-transcript-with-index.pdf>, 12.

<sup>222</sup> Charles D. Ferris interview by Donald A. Ritchie, 81.

<sup>223</sup> Charles D. Ferris interview by Donald A. Ritchie, 80–81.

<sup>224</sup> Charles D. Ferris interview by Donald A. Ritchie, 36–37.

<sup>225</sup> “Industry-FCC Status Quo Challenged by New Chairman,” *Broadcasting*, April 17, 1978.

Selma—and America might not have two of the most noble and fulfilling legislative achievements of this century, the Civil Rights Act of 1964 and the Voting Rights Acts of 1965.”<sup>226</sup> Despite that, he said: “The Voting Rights Act of ’65 was by far the more important...[than the Civil Rights Act of 1964]. The ’64 act was the dignity act. The ’65 act was the empowerment act. That was what gave the power of citizenship to minorities.”<sup>227</sup> The day after the dogs and water hoses were turned on nonviolent protestors in Alabama, he was asked to draft a Voting Rights bill, which he did, with help from a few others on the Capitol Hill.<sup>228</sup>

Ferris’s experiences on the Hill were a far cry from the ones he had as a child. He grew up in a relatively homogenous neighborhood and admits: “In Boston, where I grew up, I don’t recall any interaction at any level with African Americans.”<sup>229</sup> His actions as an adult do not reflect this segregation. In 1978, Ferris adopted the Statement of Policy on Minority Ownership of Broadcasting Facilities—which included the popular Tax Certificate Policy, and he was starting to apply pressure to the big three networks: ABC, CBS, and NBC for not adhering to EEO hiring policies. At the Sixth Annual Community Meeting of Black Citizens for Fair Media,<sup>230</sup> Ferris told attendees:

If we believe in the underlying premise behind equal employment opportunities in the broadcast industry—that the input of women and minorities in the programming decision

---

<sup>226</sup> “Remarks of Charles D. Ferris Chairman, Federal Communications Commission, before the 56th Annual Convention of the National Association of Broadcasters,” *Broadcasting*, April 17, 1978, 46.

<sup>227</sup> “Remarks of Charles D. Ferris,” 50.

<sup>228</sup> See Charles D. Ferris interview by Donald A. Ritchie, DC, April 15, 2004, 34 for a complete account of events.

<sup>229</sup> Charles D. Ferris interview by Donald A. Ritchie, DC, April 15, 2004, 36.

<sup>230</sup> “Ferris to Speak,” *New York Amsterdam News*, October 27, 1979.

will affect what Americans watch—then it is time to require performance at the place where those program decision really happen—the network headquarters.<sup>231</sup>

These were the same sentiments he expressed publicly:

The commission’s rules against employment discrimination, for example, can be an effective alternative to direct FCC scrutiny of media ‘stereotyping.’ When you hire Blacks, women, Hispanics, and Asian Americans in responsible jobs, then the diversity of program choice will increase without any rule or agency telling you exactly what to broadcast. I intend to enforce equal employment opportunity vigorously—and to urge a more nearly equal chance for minorities and women to hold broadcast licenses as well as broadcasting jobs.<sup>232</sup>

Ferris was the first Democrat to lead the FCC since 1966.<sup>233</sup>

### 3.9.5 Pluria W. Marshall Sr.: A Republican with a Cause

Pluria W. Marshall Sr. has always said what is on his mind. When, in 1986, the FCC decided it wanted to end preferences for minorities and women, Marshall disparagingly referred to the White members of the FCC, and said: “It’s clear that the crackers at the FCC would like to get rid of any special arrangement to assist minorities in owning broadcast properties,”<sup>234</sup> When he appeared as a guest on the TV show *America’s Black Forum* in 1978, he called the NAB “racist”<sup>235</sup> and pointed a finger at then NAB President Vince Wasilewski. He said on the syndicated show that as long as Wasilewski was leading the NAB, “There’s no hope for anything

---

<sup>231</sup> Merrill Brown, “FCC Chief Calls for New Effort on Network Hiring,” *Washington Post*, October 29, 1979, sec. Business & Finance, D11.

<sup>232</sup> “Remarks of Charles D. Ferris Chairman, Federal Communications Commission, before the 56th Annual Convention of the National Association of Broadcasters,” 50.

<sup>233</sup> Brown, “Charles Ferris Named to Head F.C.C.”

<sup>234</sup> “At a Glance: REGULATION FCC Policies...,” *National Journal*, September 27, 1986.

<sup>235</sup> UPI, “Black Media Organization Head Charges NAB ‘Racist,’” *The Daily Progress* (Charlottesville), March 5, 1978, 9.

substantive coming out of it for Black people.”<sup>236</sup> When Jimmy “the Greek” Snyder appeared on NBC affiliate WRC in Washington, DC and made racist comments about Black athletes, Marshall likened Snyder to a “plantation owner.”<sup>237</sup>

In 1975, Marshall was chosen to head the National Black Media Coalition (NBMC).<sup>238</sup> NBMC was a nonprofit group that pushed TV and radio station owners across the country to hire more people of color and women in all facets of the industry. It took aim at racist shows and programs airing on White-owned outlets, pushed for stations to be shut down for making racist and sexist remarks on air and worked to increase minority ownership of broadcast facilities.<sup>239</sup> As Marshall put it, “We mostly we raise hell, and hold a few people accountable that aren’t that interested in making sure that Black folks get a chance to partake of this big communications industry.”<sup>240</sup>

Likened to the Biblical David fighting Goliath,<sup>241</sup> Marshall was called “combative”<sup>242</sup> and “a radical cat with a big mouth always crying foul”<sup>243</sup> who got results. Also described as

---

<sup>236</sup> UPI, “Black Media Organization,” 9.

<sup>237</sup> UPI, “Secret to Success? ‘Bigger Thighs’: Greek Says ‘slavery’ Made Black Athletes,” *Citizens’ Voice* (Wilkes-Barre, PA), January 16, 1988, 43.

<sup>238</sup> “Pluria Marshall Re-Elected Head of Media Coalition,” *Jet*, November 18, 1985.

<sup>239</sup> Walt Love, “Dialogue with Pluria Marshall: Getting to Know the NBMC,” *R&R: Radio and Records*, January 13, 1984.

<sup>240</sup> C-SPAN, “Minority Ownership of Media,” June 4, 1990.

<sup>241</sup> Simeon Booker, “Washington Notebook,” *Ebony*, June 1976.

<sup>242</sup> Ron Wolf, “Watchdog for Minorities Has Made the Media Listen,” *Philadelphia Inquirer*, July 2, 1984, Section E, 1-E.

<sup>243</sup> Booker, “Washington Notebook,” 24.

“‘the gatekeeper’ for minority interests,”<sup>244</sup> Marshall told a Senate committee in 1975 that the NBMC worked to help everyone: Blacks, Latinos, Asian Americans, Native Americans, and women.”<sup>245</sup> And people listened. In 1976, NBMC challenged all 99 TV and radio licenses that were up for renewal in the state of Florida.<sup>246</sup> When a radio station in Kansas told its listeners to gather the names and addresses of the Jewish people in the area and “kill them”<sup>247</sup> and later called African Americans “n-----s from bungo bungo”<sup>248</sup> land,”<sup>249</sup> NBMC asked the FCC to revoke the station’s license. While many of the challenges failed, Marshall’s methods made broadcasters take pause. People either loved him or hated him, as he garnered respect and disdain wherever he went.

Marshall was 84 at the time of our first interview, and he was just as outspoken as I imagined him to be in the 1970s, 1980s, and 1990s. Born in Houston, Marshall told me he joined the Air Force after high school. While stationed in Tokyo, he learned how to take photos with a Yashika Flex camera that cost \$27.50.<sup>250</sup> He left Japan and ended up at an Air Force Base in Limestone, ME where he continued taking pictures and spent time learning about his craft from a

---

<sup>244</sup> Stuart Reginald, “Washington Talk; Experts at Shaking the Media Tree,” *New York Times*, Late Edition (East Coast), October 2, 1986, B6.

<sup>245</sup> FCC Broadcast Reregulation, Hearings Before the Subcommittee on Communications of the Committee on Commerce, United States Senate, Ninety-Fourth Congress, First Session on Oversight on FCC Broadcast Regulation, September 17, November 5, 6, and 11, 1975, Serial No. 94-60, (U.S. Government Printing Office, Washington: 1975), 189.

<sup>246</sup> Wolf, “Watchdog for Minorities Has Made the Media Listen.”

<sup>247</sup> UPI, “World in Brief: Group Asks for License,” *Daily Spectrum* (Utah), May 8, 1983.

<sup>248</sup> This is a pejorative term used to describe Africa.

<sup>249</sup> UPI, “World in Brief: Group Asks for License,” 2.

<sup>250</sup> Pluria W. Marshall Sr. (former head, National Black Media Coalition) in discussion with the author, Thursday, November 11, 2021.

fellow airman named Richard Ladonne.<sup>251</sup> After serving in the military, he went back home to Houston and enrolled in Texas Southern University to study photography.<sup>252</sup> He soon discovered he could make good money taking wedding and prom photos, so he dropped out of school and eventually took a job as a photographer for the *Houston Informer*.<sup>253</sup> Business took off; he began photographing conventions for various historically Black organizations such as Alpha Kappa Alpha Sorority, Inc., Delta Sigma Theta Sorority, Inc. and professional Black groups (e.g., the National Dental Association and the National Conference of Black Lawyers).<sup>254</sup> He also took photos of the civil rights movement<sup>255</sup> and was the photographer for the Black Music Association.<sup>256</sup>

A turning point came in 1969 when three African Americans tried but failed to purchase a White-owned Burger King franchise in Houston.<sup>257</sup> Marshall and a group of 19 others, including Kansas City Chiefs football player Ernie “the Big Cat” Ladd, picketed the Burger King

---

<sup>251</sup> This is the phonetic spelling. TheHistoryMakers (The HistoryMakers A2013.345, Session 1, tape 4, story 1,) spells it Lagon.

<sup>252</sup> Marshall, discussion.

<sup>253</sup> Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013, The HistoryMakers Digital Archive. Session 1, tape 4, story 1, Pluria Marshall Sr. talks about his jobs after leaving the U.S. Air Force.

<sup>254</sup> Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013, The HistoryMakers Digital Archive. Session 1, tape 4, story 3, Pluria Marshall Sr. talks about his early career in civil rights photography.

<sup>255</sup> Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013, The HistoryMakers Digital Archive. Session 1, tape 4, story 6, Pluria Marshall Sr. recalls economic discrimination in Houston, TX.

<sup>256</sup> Indiana University, Archives of African American Music and Culture (AAAMC), Black Radio: Telling It Like It Was, circa 1920s-1997, bulk 1991-1995, SC 39, Marshall, Pluria W., DAT 126.

<sup>257</sup> “Negroes Protest Franchise Refusal,” *Fort Worth Star-Telegram* (Fort Worth, TX), May 29, 1969. See also Pluria Marshall Sr. in discussion with the author, Thursday, November 11, 2021; and Pluria Marshall Sr. (The HistoryMakers) A2013.345, Session 1, tape 4, story 6.

in the predominantly Black neighborhood. The group also targeted other businesses that were mistreating Blacks.<sup>258</sup> It was around this time that Marshall started the Houston chapter of Operation Breadbasket, an organization under the auspices of Rev. Jessie Jackson.

For the next 10 years, Marshall spoke out passionately about injustices in and around the Houston area. In 1971, Marshall and Operation Breadbasket pushed Houston broadcasters to provide more content specifically for minorities and to hire more minorities. Marshall said the group would watch the various outlets closely and send their findings to the FCC<sup>259</sup> —a tactic that would come in handy years later. Marshall and Operation Breadbasket joined forces with labor leader Caesar Chavez to call for a boycott of lettuce, taking aim at Kroger grocery stores.<sup>260</sup> When the board of directors for Texas Southern University met on April 7, 1972, Marshall showed up at the meeting to protest the way the school awarded federal money to Black students. According to a newspaper report, Marshall “walked about the room shouting at board members.” He told the chair: “If we’re breaking the law, do what you have to do. We’re not playing games. We’re trying to look out for Black people.”<sup>261</sup> A few weeks later during anti-Vietnam war protests at the General Electric (GE) annual meeting in Houston, Marshall called on GE to stop treating its Black workers unfairly and “do more business with minority-owned or minority-operated companies.”<sup>262</sup>

---

<sup>258</sup> Pluria Marshall Sr., *The HistoryMakers*, Session 1, tape 4, story 6. See also “Negroes Protest Franchise Refusal.”

<sup>259</sup> AP, “TV, Radio Score Kept,” *Corpus Christi Times* (Corpus Christi, TX), February 11, 1971.

<sup>260</sup> AP, “Blacks to Aid Chavez,” *San Angelo Standard-Times* (San Angelo, TX), February 8, 1971.

<sup>261</sup> AP, “TSU Directors’ Meet Disrupted,” *Times Record News* (Wichita Falls, TX), April 7, 1972, 8.

<sup>262</sup> Martin Waldron, “Antiwar Protesters Picket GE Meeting,” *Berkshire Eagle* (Pittsfield, MA), April 27, 1972, 11.

He eventually left Houston in 1980 and moved to Washington, DC to work for NBMC. He credits the civil rights movement with starting the NBMC and speaks fondly of the efforts of Bill Wright founder of Black Efforts for Soul Television (BEST).<sup>263</sup> According to Barlow, Wright knew the power of challenging the broadcast licenses of White outlets.<sup>264</sup> Wright taught Marshall and the others at NBMC everything he knew. NBMC did more than just challenge broadcast licenses, the organization also submitted a number of proposals for new rules to be implemented at the FCC. For example, in 1972, NBMC petitioned the FCC to create a Minority Affairs Office to help people of color navigate the financial and technical requirements needed to acquire a TV or radio station.<sup>265</sup> A few years later in 1975, the group asked the FCC to promote “affirmative action on the airways”<sup>266</sup> by taking substantive measures to make sure African Americans and other minorities had a chance to become owners. In 1980, when the FCC was considering Docket 80-90, NBMC commissioned a study that determined minorities would be best served if radio stations were placed in 1,482 cities and towns across the country. This equaled 608 stations for Hispanic stations and 801 stations for Blacks. That was in addition to

---

<sup>263</sup> Indiana University, Marshall, Pluria W., DAT 126.

<sup>264</sup> William Barlow, *Voice Over: The Making of Black Radio* (Philadelphia, PA: Temple University Press, 1999).

<sup>265</sup> Comments of National Black Media Coalition on Congressional Black Caucus’ Petition to Formulate a New Policy to Promote Minority Ownership of Broadcast Properties, 3, February 2, 1977, Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Office of the Assistant to the President for Special Projects, box 5, Records of Martha (Bunny) Mitchell, Jimmy Carter Library, 4.

<sup>266</sup> In the Matter of Amendment of Part 73 of the Commission’s Rules Regarding AM Station Assignment Standards, Docket 20265, Comments of National Black Media Coalition on Congressional Black Caucus’ Petition to Formulate a New Policy to Promote Minority Ownership of Broadcast Properties, 3, February 2, 1977, Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Office of the Assistant to the President for Special Projects, box 5, Records of Martha (Bunny) Mitchell, Jimmy Carter Library.



the 24 Native American stations and 49 Asian American stations already identified by the FCC.<sup>267</sup>

NBMC no longer exists, but in its heyday, the organization's name and Marshall's presence were everywhere. Marshall estimates NBMC filed more than 1,000 petitions during his 20 or so years as head of the organization.<sup>268</sup> Marshall was also one of the founders of the National Association of Black Journalists (NABJ).<sup>269</sup> When asked how he would like to be remembered, Marshall said,

I'd like to be remembered as a person who made a difference when and where it really mattered—someone who could walk the walk after talking the talk... we did something about it, and then we talked about it. So, I feel real good about being action oriented... You have to be willing to sit down and look at what's really on the table and do something about it.<sup>270</sup>

### 3.9.6 National Association of Black Owned Broadcasters

Jim Winston, president of the National Association of Black Owned Broadcasters (NABOB), credits the work done by community organizers, civil rights organizations and others in changing the FCC. Winston said, "We were fortunate enough eventually with the civil rights movement to be able to move into ownership ourselves because there was an important connection that we could provide to the community and didn't have to be an artificial with." But

---

<sup>267</sup> Eligibility Criteria Favoring Minority Ownership in the Licensing of New FM Radio Stations, Appendix C, June 29, 1991, RG 173, Docket No. 80-90, June 1991, vol. 6, box 19, National Archives at College Park, College Park, MD.

<sup>268</sup> Pluria W. Marshall Sr. (former head, National Black Media Coalition) in discussion with the author, Thursday, November 11, 2021.

<sup>269</sup> Pluria W. Marshall, Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013, The HistoryMakers Digital Archive. Session 1, tape 6, story 9, Pluria Marshall Sr. remembers founding the National Association of Black Journalists, pt. 1.

<sup>270</sup> Pluria W. Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013, The HistoryMakers Digital Archive. Session 1, tape 9, story 8, Pluria W. Marshall Sr. describes how he would like to be remembered.

he notes, the FCC did not make that process easy and was not eager to change.<sup>271</sup> NABOB, founded in 1976, is a trade association that lobbies on behalf of its members and looks to the various branches of government for solutions.<sup>272</sup> NABOB was a vocal supporter of Docket 80-90. Their actions will be discussed throughout the remainder of this dissertation.

---

<sup>271</sup> Jim Winston (president, National Association of Black Owned Broadcasters) in discussion with the author, Friday, June 4, 2021.

<sup>272</sup> Indiana University, Archives of African American Music and Culture (AAAMC), Black Radio: Telling It Like It Was, circa 1920s-1997, bulk 1991-1995, SC 39, Jim Winston W., DAT 193.

## Chapter 4: Docket 80-90: An Amalgamation of Ideas Converge

The idea, creation, passage and implementation of Docket 80-90 was the work of countless people, organizations and government agencies. In this chapter, I identify the first of these main players and explain their role in creating this policy. I show how the actions of these entities run parallel to one another and converge at various points between 1975, when the idea for Docket 80-90 was born, and 1984, when Docket 80-90 was implemented. I also provide the most comprehensive set of radio ownership numbers of Black-owned radio stations between 1968–1977.

This history is not linear. Public policy rarely is either. Having analyzed documents from the National Archives in College Park, MD, the Jimmy Carter Presidential Library and Museum in Atlanta, newspaper articles and press releases, and oral histories, I aim to show that while the original idea for Docket 80-90 had nothing to do with minority ownership, it was eventually adopted to meet the needs of a changing society. The catalyst for this, I maintain, is pressure from the Carter administration to provide ownership opportunities for women and people of color.

### 4.1 The Rulemaking Process

Understanding how the FCC adopts policies is vitally important to this study. I will now outline the rulemaking process. The Administrative Procedure Act (APA), passed in 1946, instructs governmental agencies on how to create rules.<sup>1</sup> The rulemaking process for the FCC can take anywhere from a few months to many years. The FCC adopts new policies and changes

---

<sup>1</sup> Summary of the Administrative Procedure Act, 5 USC §551 et seq. (1946).

to its rules and regulations through a seven-step process.<sup>2</sup> Every day, ordinary people can submit a formal suggestion to the FCC to add, modify or eliminate a rule. Recommendations can also come from within the FCC or from legislative bodies, such as Congress or the courts.<sup>3</sup> This is known as a Petition for Rulemaking. If the Commission deems a suggestion worthy of possible action it issues the suggestion (petition) a rulemaking number (RM). The FCC then issues a Notice of Proposed Rulemaking (NPRM). Information about the NPRM is placed in the *Federal Register*—“the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.”<sup>4</sup> Comments are then requested from the public. They are usually accepted for 30 days.<sup>5</sup> Once that period ends, reply comments to that initial set of comments are requested. At this point, a Report and Order (R&O) is issued. FCC commissioners will vote on this. If a person or group is not satisfied with the initial R&O, they can file a Petition for Reconsideration. The FCC will respond to the Petition for Reconsideration with a MOO (mü)—a Memorandum & Opinion Order. The MOO outlines any action the FCC will or will not take.

All rulemaking proceedings are assigned a Docket number. Before January 1, 1978, docket numbers were assigned in consecutive order. After that date, the docket numbers were designated by the appropriate FCC bureau (Broadcast Bureau: BC or Mass Media Bureau: MM), the year and the order in which they were presented before the commissioners. For example, BC

---

<sup>2</sup> Michael C. Keith, *The Radio Station: Broadcast, Satellite & Internet*, 8th ed. (Burlington, MA; Oxford: Focal Press, 2010), 34.

<sup>3</sup> Keith, *The Radio Station*.

<sup>4</sup> *Federal Register*, accessed October 19, 2022, <https://www.govinfo.gov/app/collection/FR/>.

<sup>5</sup> J. Linthicum, “A Guide to the FCC’s Rulemaking Procedures,” *IEEE Communications Magazine* 19, no. 4 (July 1981), 34–37.

Docket No. 80-90 was the responsibility of the Broadcast Bureau in 1980 and was the 90th item taken up by the FCC that year.<sup>6</sup>

#### 4.2 A “Pipe Dream” is Born

The idea was a long shot, but George W. Phillips had to do something; he was getting pulverized by the competition and was suffering financially.<sup>7</sup> Phillips, who was White, owned WLNC, a tiny 500W AM radio station in the town of Laurinburg, NC.<sup>8</sup> The daytime-only station (it went on air at 6:00 a.m. and signed off at sunset) was no match for the bigger more powerful 5,000 watt AM daytime station WEWO which also broadcast on a 100,000 kW signal on 96.5 FM. WEWO received its broadcast license in 1947<sup>9</sup> and had an almost 15-year head start on Phillips’s WLNC. Moreover, Phillips knew AM’s heyday was slowly coming to an end.<sup>10</sup> The solution was simple: he would be able to reach more people if he too had an FM station. But convincing the FCC to assign another FM frequency to Laurinburg was unlikely.<sup>11</sup> And so the idea for Docket 80-90 began in 1975 when Phillips submitted a Petition for Rule Making to the FCC asking that a second FM radio station be added to his area.<sup>12</sup> Submitting a petition is the

---

<sup>6</sup> For more on the rulemaking process, see J. Linthicum, “A Guide to the FCC’s Rulemaking Procedures.”

<sup>7</sup> Smithwick, discussion.

<sup>8</sup> Michael C. Phillips (son, George W. Phillips) in discussion with the author, July 9, 2022.

<sup>9</sup> FCC.gov, <https://transition.fcc.gov/fcc-bin/amq?list=0&facid=9077>, accessed October 3, 2022.

<sup>10</sup> Phillips, discussion.

<sup>11</sup> Phillips, discussion.

<sup>12</sup> In the Matter of Amendment of Sections 73.202 and 73.207 of the Rules regarding the Table of Assignments and Minimum Mileage Separations between Co-Channel and Adjacent-Channel Stations on Commercial Channels, RM-2587, August 11, 1975, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

first step in the process. According to Anderton, the former regional manager of NAB and editor-in-chief of *Radio Business Report*, if a person wants to build a new radio station, he or she has to submit a legal application to receive “an allocation of the channel. During this process, you have to show the FCC that you can build a tower and it won’t interfere with anyone. You have to comply with” a number of technical requirements such as “mileage separation. This is all handled by the office of the general counsel.”<sup>13</sup>

Phillips’s entry into radio was quite unexpected. In the 1950s, he owned a TV repair shop and sponsored an hour-long gospel show on WEWO every Sunday afternoon. As soon as his sponsored programming ended, a radio spot would air for his competitor’s TV repair shop.<sup>14</sup> Thinking this was unfair, Phillips said as much to the man who ran the radio station. He told the radio operator: “Look... I don’t know much about radio, but I pay for a whole hour to sponsor a program. The first thing that happens after my show is [an] advertisement [airs] for my competitor; that doesn’t seem to be fair.” The radio operator replied: “That’s just the way we do it.” Phillips asked him, “What can I do about it?” The radio operator laughed and said in jest: “Well, I guess you can take your business to the other radio station.”<sup>15</sup> Phillips replied: “There’s not another one.” The radio operator bluntly told him: “Go build one.” That is exactly what Phillips did.

In 1963, with very little money on hand, Phillips purchased a farm tractor and attached a plow to the back of it. His wife and their son Michael drove the rig and plowed the land so the

---

<sup>13</sup> J.T. Anderton (former vice president, Facility Development, Jacor Communications, Clear Channel Communications, iHeart Radio) in discussion with the author, April 26, 2022.

<sup>14</sup> Phillips, discussion.

<sup>15</sup> Phillips, discussion.

power company could bury the ground radials that were needed to construct the antennae for the station. Michael, who was 10 years old at the time, remembers the fun he had with his 5'3" tall mom driving “that big machine.” Michael recalls: “The radio station was a small family-owned enterprise that required a lot of work and labor from everybody in the family. We were cheap labor.”

About two years after the station signed on, it received an award for “outstanding coverage”<sup>16</sup> for its breaking news report of a truck that collided with a train killing nine people.

The citation read:

A freight train and a pickup truck collided at Maxton, N.C., on July 10, 1964 killing nine persons. Owner George W. Phillips of radio station WLNC quickly gave AP the first report. He frequently interrupted reporting for his own station to keep details flowing to AP until the story was cleaned up.<sup>17</sup>

The award was one of 11 handed out that year for news coverage. According to published reports, Phillips had been providing reports to the wire service for four years.<sup>18</sup>

The elder Phillips did not go to college but had a proclivity for numbers and complex math, which made it easy for him to grasp elaborate engineering and physics concepts. He read day and night, studying the intricacies of frequency modulation (FM) and the radio spectrum. He came to the realization that putting a Class C FM station on a Class A channel would allow his area to get another FM station. Phillips decided he would request a new FM station. Provided he could secure the signal once WLNC went on the air on January 2, 1963. Michael reminisces:

---

<sup>16</sup> “N.C. Radio Station Cited for Coverage,” *Winston-Salem Journal* (Winston Salem, NC), September 30, 1965.

<sup>17</sup> “N.C. Radio Station Cited for Coverage.”

<sup>18</sup> “N.C. Radio Station Cited for Coverage.”

“That’s how [my dad] got into the radio business. He still had his TV repair business, but... with a new FM station, he would have the advantage he needed to beat WEWO which was his goal.<sup>19</sup>

His attorneys Gary Smithwick and Clifford J. Bond III submitted a petition for rulemaking to the FCC that was received on August 11<sup>20</sup>, 1975. In it, Phillips asked the FCC to do the following: “amend sections 73.202 and 73.207 of the Committee’s Rules and Regulations in order to move unnecessarily restrictive and burdensome provisions of the Rules and to expand the effective utilization of the FM spectrum consistent with Commission Standards and policies.”<sup>21</sup> In other words, he asked the FCC to open up the FM spectrum by allowing smaller FM stations to operate on frequencies reserved for larger stations. The FCC started a file, and his request became RM-2587—the first step in becoming FCC Docket No. 80-90.

At the time, Phillips’s son Michael said the idea “wasn’t a big deal.” In fact, the family considered it a “pipe dream.” They thought:

Let’s give it a shot and see what happens. It makes sense. It’s right for us but the FCC does what they want to do.... They’re not beholden to us or anyone. They can do whatever they want to do. Let’s see if we can get their attention, and then finally we got their attention.

That is when the family realized it was “a big deal.”<sup>22</sup>

Smithwick on the other hand, realized from the beginning how monumental the request was, but tempered his expectations. “To be brutally honest, I didn’t think he had much of a

---

<sup>19</sup> Phillips, discussion.

<sup>20</sup> George W. Phillips’ request was received by the FCC Mail Branch on August 11, 1975, and was received by the FCC Rules and Standards Division on August 18, 1975. When corresponding with the public, FCC officials alternate and refer to both dates at separate times in various correspondence. As such, I will use August 11, 1975, as the official “received by” date. This aligns with the first reference made by FCC officials on September 29, 1975.

<sup>21</sup> In the Matter of Sections 73.202 and 73.207.

<sup>22</sup> Phillips, discussion.



chance. I told him, ‘You know, George, you’re really proposing something here that if they adopted it would really make a big change in the way the FCC allots these channels...’<sup>23</sup>

### 4.3 FM Table of Assignments

In the early days of radio, the FCC distributed FM licenses on an as-needed basis, making sure they did not interfere with another station’s signal. Until the 1930s, there were only a few FM stations “and so use of the spectrum wasn’t really an issue. And back then if you weren’t associated with a network, you were a small local station” responsible for producing many hours of daily, local programming and content, which was quite expensive, radio expert J.T. Anderton recalls: “You couldn’t charge enough for your advertising to pay the salaries of people to provide it... back in the early days, there was low demand because people couldn’t afford to build and program a station.”<sup>24</sup>

#### 4.3.1 Those “Useless” FM Licenses

Despite its superior sound quality<sup>25</sup> FM was not popular—yet. It was a place for classical music, “soft music”<sup>26</sup> and was where “egghead[s]”<sup>27</sup> or academics went to listen. Anderton adds, “there was no interest in FM nobody cared about FM. FM was clearly technically superior.”<sup>28</sup>

---

<sup>23</sup> Smithwick, discussion.

<sup>24</sup> Anderton, discussion.

<sup>25</sup> Rothenbuhler and McCourt, “Radio Redefines Itself, 1947–1962,” 379.

<sup>26</sup> Michael C Keith, *Keith’s Radio Station: Broadcast, Internet, and Satellite*, 8th ed. (Burlington, MA: Focal Press, 2010), 10.

<sup>27</sup> Keith, *Keith’s Radio Station*, 10.

<sup>28</sup> J.T. Anderton (former vice president, Facility Development, Jacor Communications, Clear Channel Communications, iHeart Radio) in discussion with the author, April 26, 2022.

FCC Commissioner Tyrone Brown recalls, “The funny thing was that back then, the FCC was forcing people who got new AM radio licenses to also take an FM license because they were trying to get distribution of these useless FM licenses.”<sup>29</sup> Mark Lipp was FCC chief of the Mass Media Bureau, Allocations Branch during Docket 80-90 and says, “The majority of people did not want to take them.”<sup>30</sup> That slowly began to change; the ad-hoc system of distributing frequencies became insufficient.

#### 4.3.2 Drawing Circles on a Map

In 1963, the FCC created the FM Table of Assignments to allow for the equal distribution of frequencies in a way that would not overwhelm the airwaves or interfere with neighboring stations. Computers were not available at the time, so the FCC engineers at the time took a map of the United States, laid it on the floor and “drew circles... on where the assignments were going to go based on the major cities and put in as many circles as possible.”<sup>31</sup> The goal was to ensure FM’s growth.<sup>32</sup>

In the late 1970s, FM saw substantial growth. Large cities became saturated with frequencies “at the expense of nearby” smaller cities and towns. By December 1979, for example, more than 3,000 FM stations were on the air.<sup>33</sup> Anderton explains: “Demand for FM

---

<sup>29</sup> Tyrone Brown (former Federal Communications Commissioner) in discussion with the author, Friday, November 21, 2021.

<sup>30</sup> Mark Lipp (attorney, Fletcher, Heald & Hildreth) in discussion with the author, November 26, 2021.

<sup>31</sup> Kathryn Hosford (former branch chief, Federal Communications Commission engineer) in discussion with author, August 15, 2022.

<sup>32</sup> Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments, 45 Fed. Reg. 55 (adopted February 28, 1980), 17603.

<sup>33</sup> In Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments.

went through the roof. Lots of people wanted to get an FM signal, but the FCC had many rules and in the 50s, they allocated a certain number of stations to each city and that was it. If you didn't have one of those, good luck: You couldn't get one." Radio station owners did not have to compete for FM licenses like they did in later decades, but he explains there came a point when enough people had FM licenses and radio manufactures started putting "FMs on the dial and that's how it progressed. AM has all these static problems and noise background coverage issues, and FM has a much clearer signal."<sup>34</sup> Journalist Adam R. Jacobson says that "radios in cars did not have an AM and FM until perhaps the late 1970s."<sup>35</sup> As FM became the preferred choice, and broadcasters wanted FM license, the FCC had to better distribute FM stations. That is in part what Docket 80-90 aimed to do.<sup>36</sup> Jacobson said this shift happened "naturally" with consumers. They "didn't want static. They didn't want AM. They didn't want to have to worry about going into a tunnel and not having reception for whatever reason," Jacobson maintains.<sup>37</sup>

#### 4.4 "We Started it. We Actually Started it."

Smithwick worked for the FCC from 1971 to 1975 in the Broadcast Bureau and knew the agency's inner workings well. Despite this, he maintains he had no special connections to get Phillips's request noticed.<sup>38</sup> Phillips's son Michael suggests otherwise, saying, their attorneys

---

<sup>34</sup> Anderton, discussion.

<sup>35</sup> Adam R. Jacobson (editor in chief, Radio & Television Business Report) in discussion with the author, August 1, 2023.

<sup>36</sup> Lipp, discussion.

<sup>37</sup> Jacobson, discussion.

<sup>38</sup> Smithwick, discussion.

“had a vested interest in this... it was their baby.” He called Smithwick “brilliant”<sup>39</sup> and remembers that his father was Smithwick and Bond’s first client:

They knew what they were doing. They were enthusiastic about it. I said if they were enthusiastic about it in private practice, they might have been enthusiastic while they were at the FCC. So maybe somebody at the FCC will listen.<sup>40</sup>

Smithwick says he often wondered how the request progressed so far. When I shared my theory about the Carter administration using it to meet its goal of increasing minority broadcast ownership, Smithwick agreed with me and said:

I can't remember at this point if it was the National Telecommunications Information Administration or who, but there was some...Federal agency that decided this is a great idea because if you could do this—you could expand the number of radio stations in the country and provide an opportunity for minorities to have brand new radio stations in various communities. And that was docket 80-90.<sup>41</sup>

He acknowledges, “If it hadn’t been for the NTIA supporting the idea, it would have run into a brick wall I think.” But ultimately, it was the persistence of Smithwick’s client, George W. Phillips, whose idea changed the radio industry in substantial ways. “We started it. We actually started it,”<sup>42</sup> Smithwick said.

Unfortunately, Phillips never benefited from Docket 80-90. When it was implemented, Laurinburg was not selected as one of the 689 communities to receive a new FM frequency. Lumberton, NC, which is about 30 miles away, was chosen instead. While hopeful that Laurinburg would be among the allocations selected by the Commission, Michael concedes, once Laurinburg was passed over, they lost interest in the radio business. He says his father was

---

<sup>39</sup> Phillips, discussion.

<sup>40</sup> Phillips, discussion.

<sup>41</sup> Smithwick, discussion.

<sup>42</sup> Smithwick, discussion.

aging and his mother's death "took...[a] little bit of the soul out of" running the station. Armed with a degree in electrical engineering from North Carolina State University, Michael and his wife continued operating the station from 1976–1984. He was able to boost their ratings, but the reality of being a 500-watt AM daytimer station was starting to take its toll. Sadly, he says, "We had a well-funded competitor with big facilities, all that sort of thing, and it was getting tougher and tougher for us to make a living." He says not receiving the Docket 80-90 allotment changed what they "thought would be for the future of the AM station."<sup>43</sup> They were able to live comfortably, but they eventually sold the station. It is still on the air, and the new owners eventually got an FM translator. Meanwhile, Smithwick encouraged Michael to go to law school, and in 1996, he received his law degree from North Carolina Central University.

#### 4.5 RM-2587 and the First Case for Diversity

On August 8, 1975, three days before Phillips's petition was received by the FCC, the agency received a handwritten letter from Daniel Mahoney, of the Freedom Development Company, in Auburn, Massachusetts. Mahoney told FCC officials that he had been looking for an available frequency "for many months"<sup>44</sup> in order to put an FM station on the air that would offer programming such as "Spanish shows and music and talks shows and shows put on by the students of our school." He said, "Our only problem is that this FM channel is for CLASS B stations only. And we would like to put a CLASS A station on this CLASS B channel." Less than a month later, Arthur H. Bernston, Chief, Rules and Standards Division responded to

---

<sup>43</sup> Phillips, discussion.

<sup>44</sup> Mr. Daniel Mahoney to the FCC, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

Mahoney's request telling him that such a move would not be possible, and that the FCC would not grant special permission to do this because assigning an FM channel to a new location would require changing the FM Table of Assignments. However, Bernston explains that a similar request was made to the FCC by Phillips. Bernston assured Mahoney that "the Commission... [would] act as expeditiously as the situation will permit"<sup>45</sup> on Phillips's request. Even though Mahoney's request was denied, his letter is significant because it makes a case for diversity as a reason to make changes to the FM band. Mahoney's letter was filed with RM-2587. During the next two years, the FCC received one more Petition to Amend the FM band. It too was filed with RM-2587.

#### 4.6 1968-1978: Black Radio Ownership Numbers

During this period, the number of Black-owned radio stations was infinitesimal. These ownership numbers have not been presented in any sort of comprehensive form. For the first time, I provide that information here. In 1968, there were 4,496 radio stations on the air.<sup>46</sup> Only five of them were Black-owned.<sup>47</sup> In 1970, the total number of radio stations increased to 6,530 (4,327 AM and 2,203 FM)<sup>48</sup> and the number of Black-owned stations increased to nine.<sup>49</sup> In

---

<sup>45</sup> Arthur H. Bernstone to Mr. Daniel Mahoney, September 29, 1979, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

<sup>46</sup> "Federal Communications Commission 34th Annual Report/Fiscal Year 1968," n.d., 144.

<sup>47</sup> "Beaming to the Ghetto: Black Radio Tells It Like It Is," *Business Week*, September 7, 1968.

<sup>48</sup> "Media Concentration: Hearing Before the Subcommittee on General Oversight and Minority Enterprise of the Committee on Small Business, House of Representatives, Ninety-Sixth Congress, Second Session" (U.S. Government Printing Office, January 21, 1980), 417.

<sup>49</sup> Bernard E. Garnett, "How Soulful Is 'Soul' Radio?" (Tennessee: Race Relations Information Center, May 9, 1970).

1972, 16 stations of the 7,000 radio stations were “minority-owned.”<sup>50</sup> By 1976, some 30 radio stations were owned by African Americans.<sup>51</sup> Out of the approximately 8,000 radio stations on the air in 1977, 56 stations were owned by African Americans.<sup>52</sup> That number was not much higher in 1978 when 62 of the 8,500 radio stations were Black-owned.<sup>53</sup> Black ownership of radio stations remained consistently at less than one percent of the total number of radio facilities at a time when the minority population in the US was 20 percent.

<b>Black-Owned Radio Stations 1968-1978</b>		
Year	Total No. of Radio Stations	Black Owned
1968	4,496	5
1970	6,530	9
1972	7,000	16
1976	7,085	30
1977	8,000	56
1978	8,500	62

Table 1. Black-Owned Radio Stations from 1968–1978

<sup>50</sup> “Growth Market in Black Radio;” “Coming through the Front Door of Ownership: A New Direction for Blacks in Broadcasting,” *Broadcasting*, October 30, 1972.

<sup>51</sup> “43rd Annual Report/Fiscal Year 1977” (Federal Communications Commission); Minority Ownership of Broadcast Stations, Hearing before the Subcommittee on Communications of the Committee on Commerce, Science and Transportation, United States Senate, 101st Cong., 1st Sess., September 15, 1989.

<sup>52</sup> Ernest Holsendolph, “S.B.A. Plans to Help Minorities In Buying Radio and TV Stations,” *New York Times*, September 29, 1977.

<sup>53</sup> Trescott, “Ragan Henry: Matter-of-Fact Broadcast Pioneer.”

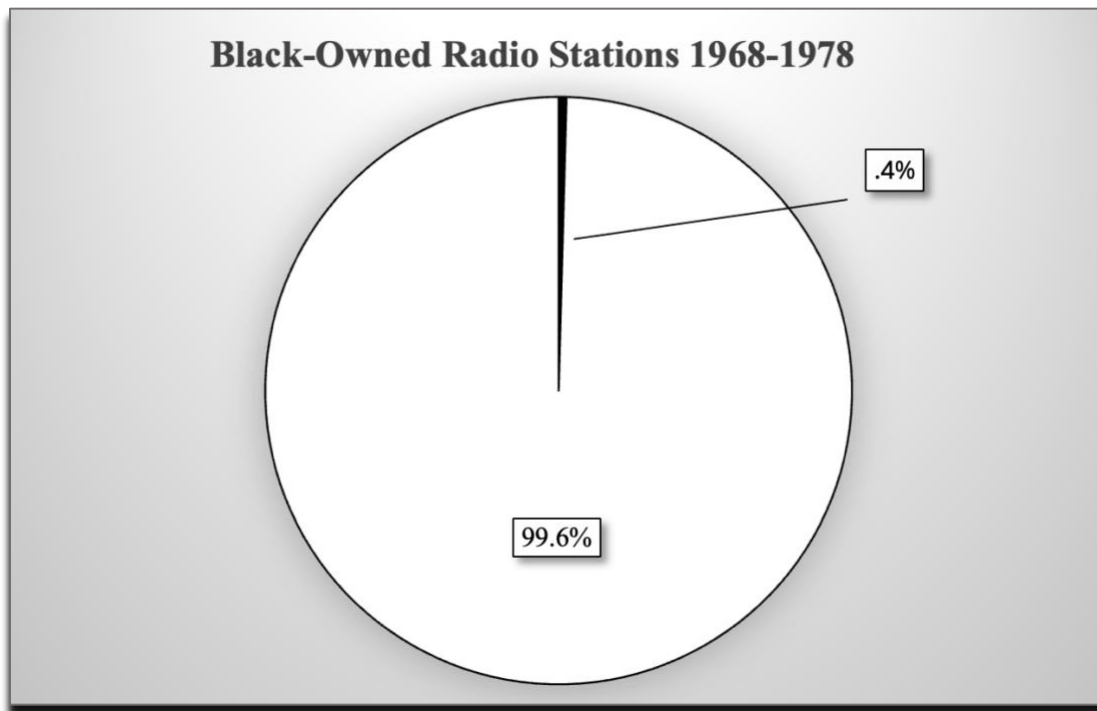


Table 2. Less than One Percent: Black-Owned Radio Stations 1968–1978

#### 4.7 The FCC Begins to Listen

In March 1973, FCC commissioners began holding listening sessions with minorities, women and industry experts.<sup>54</sup> Forty African Americans<sup>55</sup> attended its inaugural event and expressed their disappointment with the overall state of the broadcast industry.<sup>56</sup> Complaints ranged from the lack of representation in the industry to the portrayal of African Americans on the air to the failure of the FCC to hold accountable broadcasters who failed to adhere to equal employment opportunity (EEO) practices and the fairness doctrine. The meeting, organized by

<sup>54</sup> United States Commission on Civil Rights., *The Federal Civil Rights Enforcement Effort—1974: A Report of the United States Commission on Civil Rights* (Washington, DC: United States Government Printing Office, 1974).

<sup>55</sup> Paul Delaney, “BLACKS COMPLAIN OF MEDIA TO F.C.C.: Meeting With Minority Bloc Is First on Broadcasting Concern on ‘Insensitivity,’” *New York Times*, March 19, 1973.

<sup>56</sup> Delaney, “BLACKS COMPLAIN OF MEDIA TO F.C.C.”



Black Efforts for Soul in Television (BEST)<sup>57</sup> and the “public interest law firm”<sup>58</sup> Citizens Communications Center, was closed to the public.<sup>59</sup> BEST director William Wright wanted the Commission to understand “something of the depth of frustration, the despair with the performance of the broadcast media which afflicts the peoples of color.”<sup>60</sup> FCC Commissioner Benjamin Hooks said of the meeting: “For the first time in its 39-year-history, the F.C.C. talked to some Black folks, and it will never be the same again.”

#### 4.8 1977: Minority Ownership Taskforce Meeting

The report by the National Advisory Commission on Civil Disorders (also known as the Kerner Commission) released in February 1968 profoundly affected members of the FCC. The Kerner Commission determined that the media failed to communicate the truth about race relations to both White and Black communities.<sup>61</sup> Of importance here is the report’s harsh critique of how the mainstream media cover Blacks. The report concluded that White media outlets “have not shown understanding or appreciation of—and thus have not communicated—a sense of Negro culture, thought, or history.”<sup>62</sup>

---

<sup>57</sup> United States Commission on Civil Rights., *The Federal Civil Rights Enforcement Effort—1974*.

<sup>58</sup> Newhouse Service, “Burch Challenges Citizen Decision on TV Licenses,” *Philadelphia Inquirer*, September 23, 1973.

<sup>59</sup> Delaney, “BLACKS COMPLAIN OF MEDIA TO F.C.C.”

<sup>60</sup> Delaney, “BLACKS COMPLAIN OF MEDIA TO F.C.C.,” 13.

<sup>61</sup> National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders*.

<sup>62</sup> National Advisory Commission on Civil Disorders, 1:210.

These skewed, grotesque images and perceptions of African Americans traumatized not only Black people, but the entire American psyche. Moreover, their appearance in the media and in crime coverage has positioned the media to be a part of the “power structure aimed at keeping Blacks at the bottom of society.”<sup>63</sup> That combined with systemic racism has created a deep oppression that seems impossible to eradicate. By the 1960s, these, and other factors, caused a slow burning fire that resulted in a period of tumultuous unrest throughout Black and Puerto Rican neighborhoods in American cities. George writes,

Bad policing practices, a flawed justice system, unscrupulous consumer credit practices, poor or inadequate housing, high unemployment, voter suppression, and other culturally embedded forms of racial discrimination converged to propel violent upheaval on the streets... in American cities, north and south, east and west. And as black unrest arose, inadequately trained police officers and National Guard troops entered affected neighborhoods, often worsening the violence.<sup>64</sup>

Racism caused by Whites, was the source of this unrest. While most of the blame was directed toward TV and print outlets, radio was found culpable too. The report found an instance where a Detroit radio station aired a rumor that “Negroes planned to invade suburbia” which never happened—if it was being planned at all. The Commission also conducted interviews and concluded that a large majority of Blacks distrusted the mainstream media calling it the “White press” and “mouth pieces of the power structure. Furthermore, educated Blacks were “resentful at what he consider[ed] to be a totally false portrayal of what goes on in the ghetto.”<sup>65</sup> Thomas J. Hrach says that “the mainstream media did give considerable coverage to the conspiracy theory

---

<sup>63</sup> Thomas J. Hrach, *The Riot Report and the News: How the Kerner Commission Changed Media Coverage of Black America* (Amherst: University of Massachusetts Press, 2016), 20.

<sup>64</sup> Alice George, “The 1968 Kerner Commission Got It Right, But Nobody Listened,” *Smithsonian Magazine*, March 1, 2018, para 2.

<sup>65</sup> National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission*, 206.

about the riots, and many in government helped them perpetuate that myth.”<sup>66</sup> According to the report, the only time Blacks were featured on the news was during crime stories, and the language used in those stories to describe Black people was inflammatory and racist; news stations did not seem to care how those words and depictions would be perceived by Black viewers.

The Commission took note and as Kennard, Smith and Marchant observe, “The FCC began to acknowledge that minorities and women had long been underrepresented or misrepresented by the mostly White, male-owned and-dominated broadcast media.”<sup>67</sup> Former FCC Commissioner Tyrone Brown was quite blunt: “You’ve got all these Black people sitting and watching all these White people succeeding in our society while Black people are being held back... Something ha[d] to be done to change that.”<sup>68</sup> In 1968, the year the Kerner Commission released its report, only five radio stations were Black-owned.<sup>69</sup>

Brown said the Kerner Commission had a tremendous impact on FCC Chairman Richard “Dick” Wylie. The Republican from Illinois felt led to address inequality and “segregation in the electronic media in terms of ownership, programming and employment.” Brown, who spoke fondly of his good friend (they have practiced law together), says Wylie is “very conservative, but working in government, he also tried to find a way for people to get along.... And to add to his credit, he was sincere about it.” Brown then joked that Wylie’s tenure on the Commission

---

<sup>66</sup> Hrach, *The Riot Report and the News*, 19.

<sup>67</sup> Kennard, Smith, and Marchant, “Minority Business Development and Equal Employment Opportunity in the Telecommunications Industry,” 324.

<sup>68</sup> Tyrone Brown (former commissioner, Federal Communications Commission) in discussion with the author, Friday, November 21, 2021.

<sup>69</sup> “Beaming to the Ghetto: Black Radio Tells It Like It Is.”

was almost done. Carter had just begun his term in the White House and was looking to pick someone new to lead the FCC.

Hooks's written piece previewing the conference was published in newspapers across the country.<sup>70</sup> The event, held at FCC's headquarters in DC in April 1977, brought government officials, industry insiders, academics and concerned citizens together to discuss the dismal state of minority ownership, barriers to access and possible solutions to these problems.<sup>71</sup>

It was "standing room only"<sup>72</sup> on the first day of the conference with approximately 550<sup>73</sup> people in attendance. The FCC was prepared to have one overflow room available for attendees to watch on what was called closed circuit TV<sup>74</sup>—they ended up needing three rooms. With the guidance of attorney Patricia Russell, who was deputy director of the FCC's Industrial Equal Employment Opportunity Unit and the head of the Minority Ownership Task Force,<sup>75</sup> participants attended panel discussions on accessing brokers, attorneys, engineers, station personnel. In his opening remarks, Wiley said he found the ownership numbers "disturbing." He

---

<sup>70</sup> See for example, Benjamin Hooks, "FCC's Minority Broadcast Ownership Conference Set for April 25 and 26," *Philadelphia Tribune*, April 16, 1977; Benjamin Hooks, "FCC Conference Set on Broadcast Field," *Afro-American*, April 23, 1977; "Benjamin L. Hooks: FCC Commissioner," *Omaha Star* (Omaha, NE), April 1977.

<sup>71</sup> Patricia A. Russell, Esquire to Mrs. Martha Mitchell, n.d., Federal Communications Commission (FCC) 4/78-5/78, box 10, Martha (Bunny) Mitchell, Jimmy Carter Library.

<sup>72</sup> "Minorities Thrash Out Ownership Problems...," *NAB Highlights*, May 2, 1977, 4.

<sup>73</sup> "FCC Undertakes Aid to Minorities in Acquisitions," *Broadcasting*, May 2, 1977.

<sup>74</sup> Hooks, "FCC's Minority Broadcast Ownership Conference Set for April 25 and 26"; "FCC Undertakes Aid to Minorities in Acquisitions."

<sup>75</sup> Patricia Russell (former director, Minority Ownership Task Force, Federal Communications Commission) in discussion with the author, May 10, 2021; see also Hooks, "FCC's Minority Broadcast Ownership Conference Set for April 25 and 26."

insisted, “The acquisition and successful operation of broadcast properties must be free of racial, ethnic or sexual discrimination.”<sup>76</sup>

#### 4.8.1 Follow the Money

During the event, the stark realities of broadcast ownership were discussed. Considerable time was dedicated to the lack of access to capital, which was a major stumbling block for African Americans and other minorities looking to enter the field. The taskforce report said there were two reasons for this: lenders considered those seeking licenses “high risk” because they lacked experience and because broadcast license must be renewed, banks were less likely to want to become involved in a “regulated business.”<sup>77</sup> Media mogul Ragan Henry, who in 1978 was president of Broadcast Enterprise Network, Inc. and owned six radio stations,<sup>78</sup> demonstrated this. He explained:

I have become an expert on being turned down and off by every conceivable source of financing for reasons that have ranged from being well-founded to being shameful and utterly stupid. Our company was classified as a non-minority entity and then turned down because of the classification!<sup>79</sup>

While panelists such as Henry talked about the real, tangible discrimination they faced trying to get financing, White brokers in attendance denied those accusations. Panel moderator and broker Joseph M. Sitrick insisted, “The sellers that I know don’t care if a buyer is Black,

---

<sup>76</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 31.

<sup>77</sup> Federal Communications Commission, “Minority Ownership in Broadcasting,” 11–12.

<sup>78</sup> Jacqueline Trescott, “Ragan Henry: Matter-of-Fact Broadcast Pioneer,” *Washington Post*, November 24, 1978.

<sup>79</sup> Ragan A. Henry, “Private Sources of Financing for Minority Broadcast Owners,” (speech, Federal Communications Commission’s Minority Ownership Conference) *Minority Ownership in Broadcasting*, (Washington, DC, April 25-26, 1977), Communications Workshop Meeting: *Minority Ownership in Non-Commercial Broadcasting 6/30/77*, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

White, Yellow or Red. Their main concern is whether the buyer has the resources to buy and the lasting power to see through.”<sup>80</sup> Media broker Cecil L. Richards added, “The only prejudice is the seller’s prejudice against losing an investment he’s spent a lifetime building up. That’s got nothing to do with color.”<sup>81</sup>

#### 4.8.2 Ratings and Ads

Skip Finley, who was vice president and general manager of radio properties for Sheridan Broadcasting (one of the nation’s oldest radio networks owned by African Americans)<sup>82</sup> admitted that after financing and obtaining a broadcast license, “the largest and most frustrating problem both of Black-owned and Black programmed stations”<sup>83</sup> were the ratings services. He took aim at Arbitron executives and questioned “their methodology, their priorities, and their judgement.”<sup>84</sup> He leveled harsh criticism at advertising agencies and what he called “a very disturbing trend” where ads were not being purchased from minority-owned stations in advance—even if the ratings were spectacular.<sup>85</sup> He provided several examples including these two:

---

<sup>80</sup> Joseph M. Sitrick, “Remarks of Joseph M. Sitrick,” (speech, Federal Communications Commission’s Minority Ownership Conference), Washington, DC, April 25–26, 1977), Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

<sup>81</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 31.

<sup>82</sup> Frank W. Johnson, “A History of the Development of Black Radio Networks in the United States,” *Journal of Radio Studies* 2, no. 1 (January 1993), 173–87, <https://doi.org/10.1080/19376529309384515>.

<sup>83</sup> Skip Finley, “Statement: Minority Broadcast Owners Discussions,” (speech, Federal Communications Commission’s Minority Ownership Conference), Minority Ownership in Broadcasting. (Washington, DC, April 25-26, 1977), Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

<sup>84</sup> Skip Finley, “Statement: Minority Broadcast Owners Discussions,” 1.

<sup>85</sup> Skip Finley, “Statement: Minority Broadcast Owners Discussions,” 9.

August, 197[6] – Listerex – Ted Bates Advertising – planned advertising in Pittsburgh. “Because of the nature of the product, the client has specified no ethnic stations can be considered.”

October, 1976 – The Clorox Company/Liquid Bleach – Foote, Cone, Belding/Honig Cooper – five markets – “General format stations first choice. 40 rating points per market. It is very remote that special format stations will be considered.”

Richard P. Jones of the ad agency J. Walter Thompson Co.<sup>86</sup> took issue with what Finley said. Jones responded that the buyer is not “concern[ed] (nor does she usually know) whether the station is Black-owned or White owned; her only concern is whether the station is competitive against her target audience.”<sup>87</sup> He admitted, however: “[T]hat’s the system. It obviously is designed only to help the client sell his products to the people he has defined as his best prospects.”<sup>88</sup> Spanish International Communication Corporation president Rene Anselmo said J. Walter Thompson was one of the “most discriminatory agencies in the business” and that “general market [is] a code word meaning don’t include Blacks and Spanish-speaking” outlets.<sup>89</sup> This was underscored by Thomas Hardy, an assistant professor at Howard University, who said:

There seems to be an attitude prevalent both in the advertising agency and audience research communities that the Black population is not economically viable. Even if the problems of under representation of the Black populations in the sample selection of rating samples elevated, the advertising agency and company mentalities will remain.

---

<sup>86</sup> “FCC Undertakes Aid to Minorities in Acquisitions.”

<sup>87</sup> Richard P. Jones, “Remarks Prepared by Richard P. Jones for FCC Minority Ownership Conference Washington,” (speech, Federal Communications Commission’s Minority Ownership Conference), *Minority Ownership in Broadcasting*, (Washington, DC, April 25–26, 1977), *Minority Ownership in Non-Commercial Broadcasting 6/30/77*, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

<sup>88</sup> Richard P. Jones, 6.

<sup>89</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 32.

The present attitude which must be changed is: If you're a minority broadcaster you may be number one, but you're still not [important].<sup>90</sup>

*Broadcasting* said of the event: “despite the occasional flare-ups of militancy, the reasons given for them seemed anything but militant.”<sup>91</sup>

Interestingly enough, researchers found that Blacks “spent proportionately more on beauty and personal care products than Whites” in the 1970s, and “by the mid-to late 1970s spent approximately 40 percent more of their disposable income on beauty and luxury items than Whites.”<sup>92</sup> In 1978, D. Parke Gibson found that Black spent some seventy billion dollars on “goods and services—enough to make the difference between profit and loss for many companies.”<sup>93</sup> Napoli notes that concerns with ad sales, ratings and the devaluation of African American audiences would continue for decades.<sup>94</sup>

#### 4.8.3 Modifying the Spectrum

Even as those obstacles were addressed, other hurdles impeded any progress or success in this area. There were three ways to enter broadcast ownership. An interested party could purchase an existing facility, challenge a license renewal, or acquire an unused frequency.<sup>95</sup>

---

<sup>90</sup> Thomas A. Hardy, “Remarks of Thomas A. Hardy Before the Federal Communications Commission” (speech, Federal Communications Commission’s Minority Ownership Conference), *Minority Ownership in Broadcasting*, (Washington, DC, April 25–26, 1977), *Minority Ownership in Non-Commercial Broadcasting* 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

<sup>91</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 32.

<sup>92</sup> Robert E. Weems, *Desegregating the Dollar: African American Consumerism in the Twentieth Century* (New York: NYU Press, 1998), 93.

<sup>93</sup> D. Parke Gibson, *\$70 Billion in the Black: America’s Black Consumers, A Revised and Updated Version of The \$30 Billion Negro* (New York: Macmillan Publishing Co., Inc., 1978), ix.

<sup>94</sup> Philip M. Napoli (professor, Duke University) in discussion with the author, September 24, 2021.

<sup>95</sup> Federal Communications Commission, “Minority Ownership in Broadcasting,” 9.



Each of these proved to be especially difficult, if not almost impossible, for minorities.

Minorities were usually excluded from buying a facility because when one became available for sale, people of color were not notified.<sup>96</sup> Attendees attributed this to “the good old boy network,” noting that sellers often play golf together<sup>97</sup> and associate with those they know. Challenging a license that was up for renewal proved to be too time-consuming and costly. Plus, the FCC’s lack of clarity when determining the successful applicant was thorny at best. Most important to this research was attaining ownership of a radio station by acquiring an available frequency.

According to the Taskforce report, this was basically impossible because few frequencies were available in desirable areas.<sup>98</sup> At the time, AM was still king, but the band was full. Anderton notes, “[I]n the 50s and 60s, they filled up the AM band. I mean it was jammed packed. You couldn't stuff anymore stations in there to save your life.”<sup>99</sup> And of course, this was during a time when discrimination and other factors prevented African Americans from acquiring licenses.

The task force conference included discussions of making “better use” of the spectrum,<sup>100</sup> which in theory, would provide more frequencies and ownership opportunities for minorities. African American attorney Curtis White, who participated in a panel focusing on public policy and equity, said in his prepared remarks:

[D]uring one of the high periods of race discrimination in this country, broadcast property/licenses were generally available for the asking. Needless to say, Blacks, Latinos and Native Americans were not in a position (both economically and

---

<sup>96</sup> Federal Communications Commission, “Minority Ownership in Broadcasting.”

<sup>97</sup> Federal Communications Commission, 9.

<sup>98</sup> Federal Communications Commission, 10.

<sup>99</sup> J.T. Anderton (former vice president, Facility Development, Jacor Communications, Clear Channel Communications, iHeart Radio) in discussion with the author, April 26, 2022.

<sup>100</sup> Federal Communications Commission, “Minority Ownership in Broadcasting,” 10.

sociologically) to buy. The end result, of course, is that practically all frequencies in the top 100 markets have been granted, on a [sic] overwhelmingly exclusionary basis.<sup>101</sup>

He then pointed out that few major markets had available frequencies.<sup>102</sup> In a recap of the event, Hooks said: “TV and radio licenses in the big markets were being handed out like bubblegum cards.”<sup>103</sup> Anselmo argued that people of color should be afforded “the same liberal treatment given the original guys who got in this business... It was easy to get in the broadcast business (more than 20) years ago.”<sup>104</sup> According to Robert C. Davidson Jr., of Los Angeles,<sup>105</sup> only “dog”<sup>106</sup> stations were offered to minorities because industry experts (lawyers and brokers) saw minorities as unsophisticated, naïve, and clueless about the business. Fed up with these sentiments, Richards insisted, “Anyone interested in buying radio or television stations, contact Joe [Sitrick] and me and other listed brokers with letters setting forth what you’re looking for, and you’ll be inundated.”<sup>107</sup> To alleviate this issue, Hooks promised to ask the Commission to “issue a notice of proposed rulemaking aimed at requiring advance public notice when a station is being sold.”<sup>108</sup>

---

<sup>101</sup> Curtis T. White, “Statement of Curtis T. White on the Issue of Public Policy and Minority Ownership of Broadcast Media: An Argument for Policy Reform and the Maximization of Minority Participation in the Equity Arena,” *Minority Ownership in Broadcasting*, (Washington, DC, April 25-26, 1977), *Minority Ownership in Non-Commercial Broadcasting 6/30/77*, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

<sup>102</sup> Curtis T. White, “Statement of Curtis T. White.

<sup>103</sup> Benjamin Hooks, “Broadcasters Speak,” *Afro-American*, May 21, 1977, 4.

<sup>104</sup> Hooks, “Broadcasters Speak,” 4.

<sup>105</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 32.

<sup>106</sup> Federal Communications Commission, “Minority Ownership in Broadcasting,” 9. See footnote 23.

<sup>107</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 32.

<sup>108</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 31.

White then took aim at the Commission for failing to make provisions for minorities to enter the field; instead, he said the agency opted to support and shoring up those already on the air.<sup>109</sup> Using VHF frequencies as an example, he said: “The Commission should adopt forthwith an affirmative action plan for ownership rights on the frequency spectrum.”

Meanwhile, in the report summary, recommendations to reallocate or modify the spectrum would be “a possible solution to the question of minority ownership” but only if “there is corresponding clarification of the Commission’s comparative licensing policy.”<sup>110</sup> However, it was noted during the event that alerting the public to these available frequencies would create intense competition and would place enormous financial burdens on those vying for ownership opportunities. Simply put: Some critics said it would “be a drain on finances and patience with no promise of a license grant.”<sup>111</sup> When Docket 80-90 was adopted, this statement became an unfortunate reality.

A year after the Minority Ownership Taskforce held its meeting, the FCC released the Statement of Policy on Minority Ownership of Broadcasting Facilities. The FCC defined the term “minority” as “those of Black, Hispanic Surnamed, American Eskimo, Aleut, American Indian and Asiatic American extraction.” The Commission also confirmed its support for affirmative action noting that it was just as important for minorities to work in the media as it was for them to own the media. The FCC found it “troublesome” that minority owners were “underrepresent[ed] among the owners of broadcast properties.” The Commission maintained unless minorities are encouraged to enter the mainstream of the commercial broadcasting

---

<sup>109</sup> Curtis T. White, “Statement of Curtis T. White.

<sup>110</sup> Federal Communications Commission, “Minority Ownership in Broadcasting,” Summary.

<sup>111</sup> Federal Communications Commission, “Minority Ownership in Broadcasting,” 10.

business, a substantial proportion of our larger non-minority citizenry will remain underserved, and the audience will be deprived of the views of minorities.<sup>112</sup> It adopted the Minority Tax Certificate, the Distress Sale Policy, and a policy that awarded “enhanced credit to minority-or female-owned businesses... competing for a license with other equally qualified businesses.”<sup>113</sup> The decision to give preference points was the direct result of *TV.9 v. FCC* and the Commission’s refusal to “award merit to an applicant in a comparative proceeding based upon minority ownership.”

Three months after the conference, the Carter Administration began holding meetings at the White House to discuss key topics that emerged from the FCC conference.<sup>114</sup> Martha “Bunny” Mitchell, Special Assistant to President Carter and the first African American to have an office in the West, said the following at one of these meetings: “We are going to listen to people interested in the field, to try to understand the barriers [to entry], from their point of view... We have to analyze the discussion and see if the government can aid the cause.” But she did not promise legislative action.<sup>115</sup>

One other item of interest to emerge from the conference was the announcement of a new venture capital group, Syndicated Communications, Inc. (SYNCOM). Led by Herbert P. Wilkins, SYNCOM would provide financing for minorities wanting to embark on broadcast

---

<sup>112</sup> Statement of Policy on Minority Ownership of Broadcast Facilities (1978 Minority Ownership Policy Statement), 68 FCC2d 979, 983 (1978).

<sup>113</sup> Kennard, Smith, and Marchant, “Minority Business Development and Equal Employment Opportunity in the Telecommunications Industry,” 325.

<sup>114</sup> “White House Calls Minorities for Talks on Piece of Action,” *Broadcasting*, July 25, 1977.

<sup>115</sup> “White House Calls Minorities for Talks on Piece of Action.”

ownership. SYNCOM provided funding to two of the Docket 80-90 owners profiled in this dissertation.

Two years later, in December 1980, the FCC held another minority ownership conference, titled “Enterprise Opportunities for Minorities in Telecommunications.” Brown directed this conference and urged minorities to look for opportunities beyond traditional forms of broadcasting.<sup>116</sup>

#### 4.9 Blacks Propel Jimmy Carter to Victory

When the Minority Ownership Taskforce held its meeting, President Jimmy Carter was already in the White House. Elected in 1976, Carter beat Republican incumbent Gerald R. Ford with 50.1 percent of the popular vote.<sup>117</sup> The Joint Center for Political Studies (JCPS) says 90 percent of African Americans voted for Carter.<sup>118</sup> The Black vote is credited for helping propelling Carter to victory in Missouri, Pennsylvania, Ohio, Louisiana, Texas, Mississippi, and Maryland.<sup>119</sup> One reason Carter overwhelmingly won the support of African Americans was Carter’s ability to relate to Black voters. In the *New Republic*, Bode writes: “[Carter was] an effective face-to-face campaigner in Black schools and churches, on street corners and in community halls.”<sup>120</sup>

---

<sup>116</sup> Norman Black, “FCC Schedules 2-Day Conference for Minorities,” *Oakland Tribune* (Oakland, CA), November 26, 1980.

<sup>117</sup> J. Clark Archer et al., *Historical Atlas of U.S. Presidential Elections 1788–2004* (CQ Press: A Division of Congressional Quarterly, 2006), Map 48.

<sup>118</sup> The Joint Center for Political Studies, *The Black Vote: Election '76* (Washington, DC, 1977).

<sup>119</sup> Associated Press, “94 Pct. of Black Vote Went To Carter, Study Reports,” *Washington Post*, November 11, 1976, sec. General.

<sup>120</sup> Ken Bode, “Why Carter’s Big With Blacks,” *New Republic* 174, no. 15 (April 10, 1976), 14.

#### 4.9.1 Black Radio: The Key to Carter's Win

Frank Washington argues Black radio was another reason for Carter's win.<sup>121</sup>

Washington, who is African American, worked as an attorney in the Carter White House Office of Telecommunications Policy (OTP). According to Washington, Black-owned and Black-oriented radio stations in several major markets played Carter campaign ads, which worked in persuading Blacks to vote for him.<sup>122</sup> Stone notes, "Black radio stations and Black newspapers were saturated with advertisements"<sup>123</sup> for both Carter and Ford. Former Senator Bob Dole refuted this claim and said at the time, "As far as I could tell, we [the GOP] did not spend any advertising or time trying to attract Black voters."<sup>124</sup> Meanwhile, staunch Republican Robert Keyes, PhD observed that the Republican Party

ran a traditional, White-oriented campaign with virtually no minority or female input...fearing that any overt actions or appeals by President Ford to Blacks would stop the trend of Southern White red necks and right wingers who were allegedly coming on the Ford bandwagon in sufficient numbers.... The President himself made a personal appeal, went into Black communities, talked with Black leadership, gave some indication that he understood Blacks' problems, and that when he received the peoples' mandate, he would address himself to those problems.<sup>125</sup>

---

<sup>121</sup> Frank Washington (former deputy chief, Broadcast Bureau, Federal Communications Commission) in discussion with the author, November 9, 2021; Tyrone Brown in discussion with the author, Friday, November 21, 2021.

<sup>122</sup> Frank Washington (former deputy chief, Broadcast Bureau, Federal Communications Commission) in discussion with the author, November 9, 2021.

<sup>123</sup> Chuck Stone, "Black Political Power in the Carter Era," *The Black Scholar* 8, no. 4 (1977), 10.

<sup>124</sup> Bob Dole quoted in Joint Center for Political Studies, "Perspective: Republican Reaction to the Election," *FOCUS* 5, no. 2 (February 1977), 3.

<sup>125</sup> "No Black Involvement in GOP': Robert Keyes, Top Republican Leader, Reveals Why President Ford Lost," *Observer* (London, England), *Newspaper*, December 9, 1976, B-1.

Carter's ads resonated with African American voters, and these radio spots, says Washington, were the impetus for Carter making minority broadcast ownership a priority during his tenure.<sup>126</sup>

#### 4.9.2 Black Government Appointees

After Carter's historic win, supporters, critics and pundits alike looked to see how the President-elect would reward African Americans. Washington maintains, "Carter owed his success to African Americans."<sup>127</sup> Obatala emphasizes,

The fact that Black Southerners voted for Carter is only one measure of his obligation- to them. The President-elect would be woefully remiss socially, if he failed to draw a sharp distinction between those are frantically jockeying for positions in Washington now and those who harvested his peanuts and made him rich. ... [I]t is now incumbent on Mr. Carter to gather around him a group of Blacks and Whites who will stand up to the "backlash" that invariably results from any firm stand by the government in favor of policies that benefit oppressed people.<sup>128</sup>

Outgoing FCC Commissioner Hooks agreed, for the same reason, that Carter needed to appoint another African American to the FCC:

WILL JIMMY CARTER appoint a Black man to the Federal Communications Commission to take my place? I know he will. I believe that President-elect Carter is highly cognizant of the fact that Blacks furnished his margin of political victory and will, some disbelievers notwithstanding, respond by not only naming a Black to the FCC when I depart sometime in 1977, but will also appoint qualified Black men and women throughout the hierarchy of government during his administration.<sup>129</sup>

---

<sup>126</sup> Washington, discussion.

<sup>127</sup> Washington, discussion.

<sup>128</sup> J.K. Obatala, "How Carter Should Pay His Debt," *Nation* 223, no. 18 (November 27, 1976), 552.

<sup>129</sup> Hazel Garland, "Video Vignettes," *The Pittsburgh Courier*, December 18, 1976, 15.

By March 1977, more than two dozen minorities were working in “top level positions”<sup>130</sup> in the Carter administration and “158 presidential appointees and appointee-designates overall... 15 Blacks, eight Hispanics and one Asian.”<sup>131</sup>

These figures included Washington. Washington garnered the attention of White House officials because of an article he wrote for the *Yale Law Journal*—“Toward Community Ownership of Cable Television.”<sup>132</sup> In Washington’s view, “There were just so many things that got in the way of minorities in general, but particularly African Americans in terms of owning broadcast facilities.” He continued, “Cable TV was just starting to take off, so it was seen by a lot of people as a possible avenue for countering the limits that African Americans had experienced on the broadcasting side.”<sup>133</sup>

The highest serving Black official was Mitchell.<sup>134</sup> Mitchell, who studied advertising at Michigan State University, is a member of the influential African American organization Alpha Kappa Alpha Sorority, Incorporated.<sup>135</sup> Described as one of the few people who could meet with President Carter unannounced, Mitchell wielded great power. As the *Washington Post*’s

---

<sup>130</sup> Brenda D. Neal, “Minorities in the Administration,” *FOCUS* 5, no. 3 (March 1977), 6.

<sup>131</sup> Neal, “Minorities in the Administration,” 6.

<sup>132</sup> Frank Washington, “Toward Community Ownership of Cable Television,” *The Yale Law Journal* 83, no. 8 (July 1974), 1708–29.

<sup>133</sup> Washington, discussion.

<sup>134</sup> “Year Later: Aide Ben Brown’s View of Carter,” *Afro-American*, January 28, 1978.

<sup>135</sup> Michigan State University, Commencement Program, Serial 201, June 19, 1962, Michigan State University Archives and Historical Collections, East Lansing, Michigan, [https://projects.kora.matrix.msu.edu/files/162-565-855/S201\\_1962.pdf](https://projects.kora.matrix.msu.edu/files/162-565-855/S201_1962.pdf), 52.



Jacqueline Trescott wrote in 1977: “But her job and her status as the top-ranking Black on the White House staff isn’t only to follow orders; she initiates, she coaches, she mediates.”<sup>136</sup>

Mitchell supported Washington’s ideas, and together, with the very powerful politician, attorney, media mogul and Tuskegee Airman Percy Sutton, Washington and other Carter officials held several meetings in the Roosevelt Room of the White House with broadcasters and cable industry experts.<sup>137</sup> A rough draft memo from Rick Neustadt, associate director of domestic policy and Washington addressed to Stu Eizenstat, Chief White House Policy Advisor, provides more details and shows that these meetings occurred with “the FCC, Congressional staffers, and members of some 20 minority organizations, including the Congressional Black Caucus (CBC), the National Latino Media Coalition, and the Navajo Nation.” What stands out in this memo is this suggestion from Washington and Neustadt to increase minority ownership: “The FCC could set aside a proportion of any newly created frequencies for minorities.”<sup>138</sup> The two admitted this idea could be controversial. Steve Simmons, an aide to Carter,<sup>139</sup> questioned this idea saying that “setting aside a proportion of new frequencies for minorities, etc., would be most controversial and possibly ill-advised.”<sup>140</sup>

---

<sup>136</sup> Jacqueline Trescott, “Just Who Is Bunny Mitchell?,” *Washington Post*, July 20, 1977.

<sup>137</sup> Washington, discussion.

<sup>138</sup> Stu Eizenstat, memorandum, September 2, 1977, Telecommunications-Minority Ownership, Domestic Policy Staff Steve Simmon’s Subject Files, box 92, Jimmy Carter Library.

<sup>139</sup> Civil Service Reform Act of 1978 and Reorganization Plan No. 2 of 1978: Hearings Before the Committee on Governmental Affairs, United States Senate, Ninety-fifth Congress, Second Session, on S. 2640, S. 2707, and S. 2830 (U.S. Government Printing Office), 1978.

<sup>140</sup> Stu Eizenstat, memorandum, September 2, 1977.

According to Washington, these meetings led him to the conclusion “that the strongest thing we could do was to come up with some sort of a tax credit that would encourage the sale of stations to minorities.”<sup>141</sup> And with that the Minority Tax Certificate Program was born. The program increased minority ownership; between “1978 to 1995, the FCC granted approximately 356 tax certificates... 287 radio, 40 TV and 30 cable licenses.”<sup>142</sup> The tax credit was eventually repealed in 1995 by a Republican-led Congress<sup>143</sup> when Washington led a group of minority investors who were going to purchase Viacom Inc.’s cable entity for some \$2 billion.<sup>144</sup>

Washington rarely gets credit for this idea. Even in official documents in the Jimmy Carter Archives, the idea is attributed to the NAB.<sup>145</sup> Brown emphatically states:

A lot of people claim credit for the minority tax credit. Frank invented it. Period. He invented it. I know because I was in law practice at a tax law firm. This is before either of us went to the FCC, and he came in one day and said ‘Ty, I came up with this idea. You can tell me if it’s crazy or great,’ and he described how he thought it could be advanced under an existing statute, and I said... ‘I think you’re right.’”<sup>146</sup>

After the two began working at the FCC, Washington went to Wylie and, as Brown recalls, “talked the chairman into supporting the minority ownership tax certificate, and I was the

---

<sup>141</sup> Washington, discussion.

<sup>142</sup> Ivy Planning Group LLC, “Whose Spectrum Is It Anyway?,” 16.

<sup>143</sup> Erwin G. Krasnow and Lisa M. Fowlkes, “The FCC’s Minority Tax Certificate Program: A Proposal for Life after Death,” *Federal Communications Law Journal* 51, no. 3 (May 1999), 665–79.

<sup>144</sup> Paul Farhi, “Viacom Finalizes Deal To Sell Cable Systems: Firm Expected to Save Millions in Taxes,” *Washington Post*, January 21, 1995, sec. Business.

<sup>145</sup> “NTIA/MTDP Plans and Goals to Support Minority Business Opportunities,” Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 14, Jimmy Carter Library.

<sup>146</sup> Tyrone Brown (former commissioner, Federal Communications Commission) in discussion with the author, Friday, November 21, 2021.

commissioner, so I supported it.”<sup>147</sup> Brown was also a Carter appointee. Washington says there was intense pressure, at the time, on the broadcast industry to “do something.”<sup>148</sup>

Lester Fettig holds the same sentiment. Fettig, who is White, headed the procurement process in the Office of Management and Budget (OMB) during the Carter administration; he said this was a “very tumultuous period.” People of color and women were being hired at historic levels in the federal government and officials were looking at ways of increasing small business ownership opportunities for African Americans and other people of color as well.<sup>149</sup> One of Fettig’s responsibilities was making sure federal contracts were set aside for minorities. He was also tasked with defining the term “minority” to ensure business was being conducted with the proper groups as well as appropriations for other programs aimed at helping minorities. In a draft memo, groups such as “Black Americans, Hispanic Americans, American Indians, Eskimos, Aleuts, Appalachian Whites, Hassidic Jews, Philipinos [sic], Koreans, Samoans and others” were listed. Women, those with disabilities and Vietnam Veterans were discussed as well. He sent a copy to Mitchell along with the handwritten note: “We ain’t there yet, but this is best so far. Give me a call after you read it.”<sup>150</sup> Asked why all of this was occurring, Fettig said it was because “tolerating the intolerable”<sup>151</sup> was no longer acceptable.

---

<sup>147</sup> Brown, discussion.

<sup>148</sup> Washington, discussion.

<sup>149</sup> Lester Fettig (former administrator, Federal Procurement Policy, Office of Management and Budget) in discussion with the author, March 14, 2023.

<sup>150</sup> Office of Management and Budget Route Slip 7/28/78, Minority Business Enterprise 4/78-9/79, Martha (Bunny) Mitchell, box 14, Jimmy Carter Library.

<sup>151</sup> Fettig, discussion.

#### 4.9.3 Carter Makes Promises

Three months after he was inaugurated, President Carter held a conference at the White House for business leaders. During the event, he said that he “was fortunate enough to be elected President without having to make any promises in private.”<sup>152</sup> As a candidate, Carter promised to reduce the size of government and make it more efficient.<sup>153</sup> As such, he eliminated OTP and the Office of Telecommunications (OT) and created the National Telecommunications and Information Administration (NTIA).<sup>154</sup> Some, like Charles E. Tate and Phil Watson of the Booker T. Washington Foundation Telecommunications Programs, expressed dismay over the dissolution of OTP. In a letter to the President, the two said they were concerned that progress being made with OTP would be stymied. In their plea, they point out that OTP, “has made some positive suggestions and recommendations to past presidents about minority participation in the development process of our nation’s expanding telecommunications industry.”<sup>155</sup> They go on to say “that over 30 federal agencies and offices have some direct involvement and impact on telecommunications policy, it is important that there be one agency in the Executive Branch with

---

<sup>152</sup> Jimmy Carter, “American Textile Manufacturers Institute – Remarks to Members of the Institute – February 9, 1977,” Public Papers of the Presidents of the United States 1977 (1977), 121.

<sup>153</sup> Charles Mohr, “Carter, With a Long List of Campaign Promises, Now Faces the Problem of Making Good on Them” *New York Times*, November 15, 1976; David S. Broder, “Carter Reorganization Plans Outlined,” *Washington Post*, March 12, 1977, sec. General.

<sup>154</sup> United States Government Manual: National Telecommunications and Information Agency, accessed February 3, 2024, <https://www.usgovernmentmanual.gov/Agency?EntityId=1SPzInuNQfY=&ParentEId=vnIUziVHXVU=&EType=/sBLHImeLYk=>.

<sup>155</sup> Charles E. Tate and Phil Watson to the President of the United States, January 28, 1977, WHO- Team 4-Office of Telecommunications Policy-Background President’s Reorganization Project Richard Pettigrew’s Executive Office of the President Files, box 67, Jimmy Carter Library.

the authority to coordinate and formulate a cohesive national telecommunications policy.”<sup>156</sup>

After suggesting that minorities be appointed to the FCC and Corporation for Public Broadcasting, the two urge the President to hold “a briefing on telecommunications from a minority perspective.”<sup>157</sup> The White House responded, and Watson was happy with the reply and felt like the administration would allay his apprehensions.<sup>158</sup> Tate and Watson would not have to wait too long.

Carter said there were two areas ripe for growth: energy and telecommunications. He told government department leaders in September 1977, “It is my hope that we can promote the participation by minorities in industries with growth potential such as energy and telecommunications, where opportunities for development are the greatest.”<sup>159</sup> According to an article published by the Department of Commerce’s Office of Minority Business Enterprise (OMBE), radio, television and Cable TV were “high growth” areas.”<sup>160</sup>

Officials at OTP<sup>161</sup> asked the FCC to “adopt a policy promoting minority broadcast ownership in locations with minority communities.”<sup>162</sup> The result, as Rohde notes, was the

---

<sup>156</sup> Charles E. Tate and Phil Watson to the President of the United States.

<sup>157</sup> Charles E. Tate and Phil Watson to the President of the United States.

<sup>158</sup> “FCC Undertakes Aid to Minorities in Acquisitions,” 31.

<sup>159</sup> “Tuning in Minority America,” *Access* (A United States Department of Commerce Publication from the Office of Minority Business Enterprise, 1978), 4–8.

<sup>160</sup> “Tuning in Minority America,” 4.

<sup>161</sup> The government publication *Access* said the request was made by the NTIA. See “Tuning in Minority America,” in *Access* (A United States Department of Commerce Publication from the Office of Minority Business Enterprise, 1978), 4–8.

<sup>162</sup> Gregory Lewis Rohde, *Minority Broadcast Ownership* (Hauppauge, NY: Novinka Books, 2002), 1.

FCC’s Statement of Policy on Minority Ownership of Broadcast Facilities.”<sup>163</sup> The request was at least the second of its kind—the first coming from the CBC in 1976. The CBC asked the Commission to adopt what eventually became known as the distress sale policy.<sup>164</sup>

#### 4.9.4 The Minority Telecommunications Development Program

Meanwhile, Carter asked his newly created National Telecommunications to lead efforts to increase minority ownership of broadcast facilities.<sup>165</sup> Understanding that “minority ownership markedly serves the public interest,”<sup>166</sup> Carter established the Minority Telecommunications Development Program (MTDP) on January 31, 1978. The focus of MTDP was to increase minority broadcast ownership through “regulatory action, Federal loans and grants, and private industry efforts”<sup>167</sup> and to manage these government and private endeavors.<sup>168</sup>

The Carter administration also announced the Telecommunications Minority Assistance Program. The program included government backed loans, funding from the private sector and

---

<sup>163</sup> Rohde, *Minority Broadcast Ownership*.

<sup>164</sup> Barbara J. Williams to Vincent J. Mullins, December 23, 1976, Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

<sup>165</sup> Department of Commerce National Telecommunications and Information Administration: Budget Estimate, Fiscal Year 1980 OMB Submission, (National Telecommunications & Information Admin.) NTIA—Budget FY 80, Domestic Policy Staff Simon Lazarus’s 1976 Campaign Transition Files, box 4, Jimmy Carter Library.

<sup>166</sup> Public Papers of the Presidents of the United States 1978, V 1., (Washington: Office of the Federal Register, National Archives and Records Service, General Services Administration, U.S. G.P.O., 1979), 252.

<sup>167</sup> Fact Sheet: The Administration’s Minority Broadcast Ownership Programs, October 18, 1979, Domestic Policy Staff, Steve Simon’s Subject Files, box 92; Jimmy Carter Library.

<sup>168</sup> Rohde, *Minority Broadcast Ownership*, 1.

opportunities for people to receive training.<sup>169</sup> The MTDP planned to keep the “mandate”<sup>170</sup> from the White House to increase minority broadcast ownership by providing capital to minorities through government loans from the Small Business Administration (SBA) and the Economic Development Administration<sup>171</sup> (EDA).<sup>172</sup> The Farmers Home Administration (Fm.H.A) was prepared to provide loans to minorities interested in owning a broadcast facility in a “rural” area.<sup>173</sup> In a press kit sent to interested groups and individuals, Mitchell said “The program is designed to encourage minority ownership of broadcast and cable facilities and to increase the flow of Federal advertising dollars to minority-owned stations, publications and advertising firms.”<sup>174</sup> She said this was only the beginning. She also introduced Allen Hammond as the new program coordinator for minority concerns.<sup>175</sup> Hammond, who worked in the office of the general council at OTP, would move to the NTIA.

The White House also provided a list of approved organizations ready to help people of color looking for help or advice.<sup>176</sup> This list included the Small Business Association; the Office of Federal Procurement Policy, OMB; NAB’s Erwin Krasnow; and the Communications

---

<sup>169</sup> Public Papers of the Presidents of the United States, 141.

<sup>170</sup> “NTIA/MTDP Plans and Goals.”

<sup>171</sup> Julius Duscha, “E.D.A., Quiet Lender of Last Resort: Little-Known Lender of Last Resort,” *New York Times*, April 2, 1978, sec. Business & Finance.

<sup>172</sup> “NTIA/MTDP Plans and Goals.”

<sup>173</sup> “NTIA/MTDP Plans and Goals.”

<sup>174</sup> J. Clay Smith Jr. to Martha M. Mitchell, January 31, 1978, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 14, Jimmy Carter Library; See also Martha M. Mitchell to Dear \_\_\_\_ (salutation is blank), Minority Ownership Briefing 1/31/78, Martha (Bunny) Mitchell, box 15, Jimmy Carter Library.

<sup>175</sup> Martha M. Mitchell to Dear \_\_\_\_ (salutation is blank).

<sup>176</sup> “The Carter Plan to Get Minorities into Ownership of Broadcast, Cable,” *Broadcasting*, February 2, 1978.

Resource Center, Booker T. Washington Foundation's Phil Watson (mentioned earlier), Frank Washington, who by this point was with the FCC, and others. At a press conference touting the move, Mitchell said the plan would "open the doors that have been closed for many reasons."<sup>177</sup> She also made it clear that this was a first step and while "government can't solve all the problems, it can take a leadership role... serve as a catalyst."<sup>178</sup> The response to the plan was positive. Mitchell received several congratulatory letters for "the personal and imaginative effort... put into the concept of minority ownership..."<sup>179</sup> The associate general counsel of the FCC told her that he was "happy to report... a large segment of the public is indebted to you for the significant contribution you have made in the area of minority issues facing the nation."<sup>180</sup> Bob Johnson, the vice president of the National Cable Television Association, thanked her for her "leadership in developing the Carter Administration's minority ownership program."<sup>181</sup> Johnson would later go on to found Black Entertainment Television (BET) with the guidance of NBMC. Anselmo, was finally glad to see action being taken on the issue and told Mitchell: "If your program is followed through, if the FCC and a few other federal agencies get behind it, you

---

<sup>177</sup> AP, "More Minority Broadcast Ownership Is Pushed," *Lewiston Daily Sun* (Lewiston, ME), February 1, 1978, 24.

<sup>178</sup> Robert Benjamin, "Color Barriers: Minorities Need More Green...," *Evansville Press*, April 27, 1977, 13.

<sup>179</sup> J. Clay Smith Jr. to Martha M. Mitchell, February 10, 1978, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 13, Jimmy Carter Library.

<sup>180</sup> J. Clay Smith Jr. to Martha M. Mitchell

<sup>181</sup> Bob Johnson to Ms. Martha Mitchell, February 10, 1978, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 13, Jimmy Carter Library.



are going to see... wonderful results. That should be satisfying to you personally, and all... who have worked on this project.”<sup>182</sup>

Despite the general optimism, it appears some within the White House were skeptical that the announcement would garner much attention. Neustadt told Eizenstat: “I doubt this will get much play in the general press, but it should get good coverage in the minority communications trade press.”<sup>183</sup> As predicted, trade magazines covered the announcement;<sup>184</sup> as did the Black press; but AP covered the event too. Its copy was reprinted in newspapers across the country.

#### 4.9.5 NTIA Takes the Lead

Former FCC general counsel Henry Geller was tapped as the first person to head the NTIA. At his nomination hearing, Geller trumpeted the agency’s actions to promote minority broadcast ownership. He celebrated the fact that the NTIA “ha[d] already moved ahead forcefully in encouraging minority ownership in broadcasting” and was hopeful at its continuation saying, “I anticipate substantial future efforts in this area.” Geller spoke about the NTIA’s Affirmative Action Plan which made “special efforts to recruit women and minority group members for technical and scientific positions,” and to promote people within those same groups to management.<sup>185</sup> He recognized that many employees in lower paying positions were people of color and women. He also pledged to follow EEO policies.

---

<sup>182</sup> Rene Anselmo to Ms. Martha M. Mitchell, *Minority Broadcasting & Communications 1/78-5/78*, Martha (Bunny) Mitchell, box 13, Jimmy Carter Library.

<sup>183</sup> Stu Eizenstat to Rick Neustadt, memorandum, January 31, 1978, *The White House, Presidential Papers of Jimmy Carter, Domestic Policy Staff, Steven Simmon’s Subject Files, Telecommunications - Minority Ownership*, box 92, Jimmy Carter Library

<sup>184</sup> See for example, “The Carter Plan to Get Minorities into Ownership of Broadcast, Cable.”

<sup>185</sup> Henry Geller, U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, *Nomination Of Henry Geller, To Be Assistant Secretary of the National Telecommunications And Information Administration*, United States Senate, 95th Cong., 2nd sess., 1978, 8.

Geller had the support of NBMC. Marshall was quoted saying “now’s the time to see Henry Geller shine.” But NBMC staff director Valerie Byrd testified at the hearing that NBMC was going to “adopt a wait-and-see attitude toward [Geller’s] nomination.”<sup>186</sup> Byrd acknowledged Geller’s influence at the FCC and, despite the bureaucratic nature of the Commission, the impact his actions had on minority broadcasters.

Even though NBMC embraced his nomination, there was some apprehension about the future of the MTDP. NBMC’s was concerned that the NTIA would not adequately fund the program with the proper number of staff or funds for it to “be as productive as it could or should be even though Geller’s commitment to the program” was evident. The trepidation expressed by NBMC during Geller’s nomination hearing was warranted. The administration would continue supporting MTDP and efforts to increase minority broadcast ownership, but severely cut funding to the program.

#### 4.9.6 Henry Geller: His Work and Life

Geller, who died in 2020, is probably remembered for his work removing cigarette commercials from radio and TV<sup>187</sup> and for airing televised presidential debates.”<sup>188</sup> But self-proclaimed “Geller Groupie”<sup>189</sup> David Honig, president emeritus and senior advisor to the

---

<sup>186</sup> Nomination Of Henry Geller, 60.

<sup>187</sup> Sam Roberts, “Henry Geller, 96, Who Helped Rid TV And Radio of Cigarette Advertising, Dies,” *New York Times*, April 25, 2020.

<sup>188</sup> Bart Barnes, “Henry Geller, Who Helped Ban Cigarette Advertising from Radio and TV, Dies at 96,” *Washington Post*, April 20, 2020.

<sup>189</sup> David Honig, “Henry Geller: Fifty Years,” *Next TV* (blog), April 9, 2020, <https://www.nexttv.com/news/henry-geller-fifty-years-ahead-of-his-time>.

Multicultural Media, Telecom & Internet Council (MMTC), also remembers him inviting minority lawyers and law clerks to the FCC and implementing the Children’s Television Act, among other accomplishments. When Geller died, Honig declared: “Think of how much better off we are as a nation because of Henry’s unparalleled creativity, moral force, determination, and brilliance.”<sup>190</sup>

In 1949, Geller was a trial attorney/attorney advisor for the FM Branch of the FCC. His supervisor, a lawyer named Hilda Shea, wanted to stop issuing AM licenses and start moving the industry toward FM, as the band was already on its way to becoming too saturated. Geller says, “It was really a very good idea, [but] the industry didn’t want it—end of story.” FM was in its infancy; FM radios were not available yet. Geller moved back to Washington, DC after his clerkship ended and returned to the FCC, this time, doing administrative law work: “Policy—the changeover from for a year and moved to Chicago where he clerked for an Illinois Supreme Court justice.”<sup>191</sup>

He became general counsel of the FCC in 1964—the same year Reverend Everett Parker of the United Church of Christ (UCC) fought the license renewal of WLBT for playing racist programming. Geller launched his own investigation and sent someone to Mississippi. Based on their investigation, Geller recalls, “I argued very strongly before the Commission, that the license had to be set for hearing. We really had to... go after this licensee who was not fit to be a licensee.” The Commission disagreed and voted to renew the license. Commissioner Nick Johnson was only one of two commissioners who dissented. Geller and his staff were livid. He

---

<sup>190</sup> David Honig, “Henry Geller.

<sup>191</sup> Henry Geller, Former General Council for the FCC interviewed by Auster, Albert, May 4, 2010, Donald McGannon Communication Research Center. TV Oral History Project.

says, “The Fairness Doctrine was being scrupulously, scrupulously adhered to, and it was a really terrible decision.”<sup>192</sup> The station eventually lost its license.

Judge Berger said that standing shouldn’t be accorded listeners. Which was a terrific, really very, very salutary, and second he said that compliance with the Fairness Doctrine was sine qua non, known for renewal. Berger... literally blew up. [It was his] last case before he went on the Supreme Court. He said [the] record [of WLBT] is beyond repair... you have to have a temporary licensee, which turned out to involve Black participation. And they lost their license fine, which was very deserved.<sup>193</sup>

#### 4.9.7 Helena Mitchell, Maureen Lewis and the MTDP

Helena Mitchell was working on her doctorate and was a senior fellow with the NTIA when she first met Geller; she has high regard for him. She often saw Geller around the building, and he would ask her if she “wanted to come work in his shop.” When she graduated, he offered her a job, which is how she ended up working at NTIA and with MTDP. She said the NTIA was a great place to work at in the 1970s and 1980s—especially if you came from broadcast, which she did. Helena Mitchell says she was “...part of a group [that knew] we need to have an established program to be able to look at funding, find out how we can help minority broadcasters get into the field, protect them, and also train them and teach them.” She knew they could learn the intricacies of the business from media giants like Ragan Henry,<sup>194</sup> an African American who owned a TV station and multiple radio stations.<sup>195</sup> With her background in policy,

---

<sup>192</sup> Henry Geller, Interview with David Paglin. November 10, 1985, Hauser Oral History Project, November 10, 1985; November 26, 1985; June 19, 1986; March 31, 1987.

<sup>193</sup> Henry Geller, interview by Albert Auster.

<sup>194</sup> Helena Mitchell, Ph.D. (former director, Minority Telecommunications Development Program, National Telecommunications and Information Administration) in discussion with the author, March 12, 2023.

<sup>195</sup> Marie Bradby, “Former Kentuckian Parlayed Shaky Start into Airwaves Empire,” *The Courier-Journal*, November 15, 1981.

regulations and engineering, the position was “a perfect fit.”<sup>196</sup> Working together with Zora Brown, her counterpart at the FCC, Helena Mitchell ensured docket items were handled properly. Of her work with MTDP she acknowledges that they worked “open[ed] it up so there were more stations.” She recalls his sincerity. She maintains: “He was he was fantastic human being. He was very smart.” Years later, she took a class taught by him. She remembers,

He was always available and willing to talk to any entrepreneur who thought they might want to own a radio station... He was political in a good sense. He was able to work both sides to get everybody to understand the importance of having minority ownership for the economy and for communities and local advertising as well as local broadcasts....<sup>197</sup>

Helena Mitchell eventually left the NTIA to work at the FCC on emergency communications—making sure radios still work—even when other systems fail such as cell phones for example. She has a Ph.D. in telecommunications policy (technology utilization and telecom law).

Maureen Lewis was the last and final manager of MTDP. She retired from the NTIA in 2020. An attorney with a degree in economics, Lewis arrived at the NTIA and was responsible for reviving MTDP. The program had been dormant for more than a year, and one of her primary responsibilities was to update research that MTDP had done on minority broadcast ownership. When Lewis was general counsel for the Alliance for Public Technology (APT), in the late 1990s, Geller was the APT Board’s policy chair. The two of them, along with the co-chair of the policy committee, petitioned the FCC to implement Section 706 of the 1996 Telecommunications Act. Geller was “quite a man” she said. “A very kind person and very

---

<sup>196</sup> Helena Mitchell, Ph.D. (former director, Minority Telecommunications Development Program, National Telecommunications and Information Administration) in discussion with the author, March 12, 2023.

<sup>197</sup> Helena Mitchell, Ph.D. (former director, Minority Telecommunications Development Program, National Telecommunications and Information Administration) in discussion with the author, March 12, 2023.

committed to ensuring opportunity for everybody regardless of economic, racial and... he was just a very, nice person and whip smart—really a people person... he was really unassuming.”<sup>198</sup>

Geller worked with many FCC commissioners but did not appear to be too fond of the ones who had little or no experience. He explains:

You can appoint anybody to the FCC. If you were appointing people to the Federal Reserve Board, or let’s take the Securities and Exchange Commission—nobody goes on those two agencies unless they have deep experience. You may not like their philosophy, but that’s fair enough... When you get to the FCC, you can put anybody on; they don’t have to be qualified at all... I’m not saying they didn’t work hard when they got on the Commission or anything, but they were not qualified to be on [it].

Using Ferris as an example, he says, “Charlie Ferris didn’t know anything about FCC.”<sup>199</sup>

Despite this, Geller and Ferris promoted the agenda of the Carter administration. Throughout it all, he maintained the following about telecommunications and the media:

Diversity, I’d say that above all else it’s a nervous system and that we’ve staked our all on a marketplace of ideas, on diversity, on competition, on private systems that were being able to flourish, and having really diverse and antagonistic sources of information coming to be known. But that’s the bedrock. Democracy depends on an informed electorate. An informed electorate depends a great deal on the media, people having access to media, and media disseminating information...<sup>200</sup>

#### 4.10 1978: An Engineer with an Idea

By 1978, there seemed to be real momentum behind the effort to increase minority broadcast ownership. Community organizations, trade groups, congressional leaders and concerned individuals were not only talking about the inequities that led to challenges entering the industry, but they were also offering real solutions to mitigate these issues. The FCC and

---

<sup>198</sup> Maureen Lewis (former director, Minority Telecommunications Development Program, National Telecommunications and Information Administration) in discussion with the author, March 15, 2023.

<sup>199</sup> Henry Geller, interview by Albert Auster.

<sup>200</sup> Henry Geller, Interview with David Paglin.

White House appeared to be listening and implemented a series of measures that FCC Commissioner Tyrone Brown said he was “pleased” with and would “support.” However, he warned: “I will not be completely satisfied until minority ownership is no longer an issue.”<sup>201</sup> By this point, 62 of the nation’s 8,500 radio stations were Black-owned.<sup>202</sup>

Meanwhile, an engineer in Northern Virginia was trying to help his clients, all of whom were White, enter broadcast ownership by developing a way to expand the FM band. Docket 80-90 consists of three rulemaking numbers. Earlier in this chapter, I discussed the first one—RM-2587—which was the brainchild of George Phillips a White AM radio station owner in North Carolina. I now add another layer to the creation of Docket 80-90 and explain how the second rulemaking number (RM-3226) came into existence.

On October 6, 1978, the FCC received a request from Serge Bergen, an engineer living in Fairfax, VA, to “substantially increase[e] the number of FM channels.”<sup>203</sup> Bergen’s request was similar to the one made by Phillips; however, Bergen’s petition asked the FCC to place FM channels wherever they would fit on the spectrum.<sup>204</sup> It is possible that their ideas resembled each other because the two men had a conversation, at some point, about the Phillips’s idea, or Bergen mulled over the concept with a mutual acquaintance. Regardless, Bergen decided to submit his own set of changes and modifications to the FCC. For the most part, Phillips thought

---

<sup>201</sup> “Brown Becomes Visible as FCC’s Newest Member,” *Jet*, March 16, 1978, 19.

<sup>202</sup> Trescott, “Ragan Henry: Matter-of-Fact Broadcast Pioneer.”

<sup>203</sup> In the Matter of The Amendment of Sections 73.202 (a) Table of Assignments, 73:206 (a) (2) and (b) (1) Classes of Commercial Channels, and Stations Operating Thereon, and 73.207 Minimum Mileage Separations between Co-Channel and Adjacent-Channel Stations on Commercial Channels, RM-3226, October 6, 1978, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

<sup>204</sup> In the Matter of The Amendment of Sections 73.202 (a).

this was a good idea because Bergen’s petition might move RM-2857 along and help it become a docket. However, there was some concern that Bergen’s suggestions would “distort the [original] proposal so much that the FCC”<sup>205</sup> might reject it.

Bergen’s area of expertise was “finding frequenc[ies] that would work to give service to a particular area.” He was able to prove scientifically that these stations could operate if permitted by the FCC to do so by utilizing computers before they were commonplace. He was able “to figure out whether or not there was any FM frequency that could fit into the town that these people he wanted to serve.” In fact, the computer programs he used were ones he wrote himself.<sup>206</sup> Bergen’s paper, “Calculation of Directional Antenna Patterns Using Digital Computer Techniques,” foreshadows what would happen with the implementation of Docket 80-90 when computers were used to find frequency locations with very little human interaction. He wrote: “It should be stressed that the computer does not seek or determine the optimum pattern; this facet is still the responsibility of the design engineer. His judgment and skill are not supplanted by a mechanical device.”<sup>207</sup> This warning was quite prophetic. When Docket 80-90 was implemented, locations were selected in swamps and other inconvenient places.

His attorney called Bergen a “champion of the small broadcaster” because Bergen wanted to help the budding broadcaster—“the small guy.” Bergen used his findings from that paper to file a request “on behalf of North Suburban Radio, Inc.” in Highland Park, Illinois, which is near St. Louis.

---

<sup>205</sup>Michael C. Phillips (son, George W. Phillips) in discussion with the author, July 9, 2022.

<sup>206</sup> Stuart Mitchell (attorney) in discussion with the author, November 8, 2022.

<sup>207</sup> Serge Bergen, “Calculation of Directional Antenna Patterns Using Digital Computer Techniques,” *IRE Transactions on Broadcast Transmission Systems* PGBTS-12, no. 1 (December 1958), 24, <https://doi.org/10.1109/TPGBTS.1958.4505152>.



The FCC assigned Bergen’s petition rulemaking number 3226 (RM-3226). He and Mitchell occasionally checked on its status. Mitchell remembers, “Both he and I felt at the time... if we got the ball rolling, it would either get momentum of its own, and the commission would do something with it.” Neither spent too much time or capital on the issue and figured “as most things happen, they would just fall by the wayside... if it was going to become something that would be dependent on forces largely apart from us.”<sup>208</sup> They were right.

#### 4.11 1979: The NTIA Makes a Compelling Case

The NTIA made the final and most forceful case for expanding the FM band, but not before entertaining the idea to expand the AM band to increase minority ownership. While this plan never materialized, it was seriously considered by US officials who proposed it at the 1979 World Administrative Radio Conference (WARC) in Geneva.<sup>209</sup>

##### 4.11.1 The Final Piece of the Puzzle

At some point between January 1978 and May 1978, Allen Hammond, the new program coordinator for minority concerns, gave Martha (Bunny) Mitchell, President Carter’s special assistant, a 10-page document outlining the NTIA/MTDP goals for the 1978, 1979 and 1980 fiscal years. The program would require \$100,000 budget and three staff members.<sup>210</sup>

---

<sup>208</sup> Stuart Mitchell (attorney) in discussion with the author, November 8, 2022.

<sup>209</sup> Issue: WARC-79, Communications Policy—Office of Telecommunications Policy (OTP) Briefing-Option Papers [1], Domestic Policy Staff Simon Lazarus’s 1976 Campaign Transition Files, box 4, Jimmy Carter Library; David E. Honig, “Lessons for the 1999 WARC,” *Journal of Communication* 30, no. 2 (June 1, 1980), 48–58, <https://doi.org/10.1111/j.1460-2466.1980.tb01965.x>.

<sup>210</sup> NTIA/MTDP Plans and Goals to Support Minority Business Opportunities, Minority Broadcasting & Communications 1/78-5/78, box 13, Martha (Bunny) Mitchell, Jimmy Carter Library.

The document listed 13 initiatives. Item number 12 was to “Participat[e] in FCC rulemaking on new frequencies (AM and FM).”<sup>211</sup> As seen earlier in this chapter, OTP (NTIA) was instrumental in bringing the issue of expanding the AM band before the WARC. The NTIA was finally ready to send a petition to the FCC asking it to expand the FM band.

On April 19, 1979, the third and final piece of the puzzle was put in place. The FCC’s policy and rules decision received a “two-part Petition for Rulemaking which requests the Commission to revise its FM broadcast rules to permit the assignment of new commercial FM broadcast stations.”<sup>212</sup> The document, sent from NTIA’s Henry Geller to his friend “Charlie,” asked the FCC to use “directional antennas, terrain shielding, and more classes of stations to add new stations to the FM Table of Assignments.”<sup>213</sup> Geller said the changes would “further two major communications policy goals” of the White House: “minority ownership of broadcast facilities and increased efficiency in the use of the spectrum.” Geller then explained why entering broadcast ownership was difficult for people of color:

The development of minority business, particularly minority ownership of broadcast facilities, is an important goal of this Administration.

There are very few vacant FM channels in areas with significant minority populations. For those minority individuals who view broadcast ownership primarily as a means of serving the needs and interests of minority audiences, this is a very inhibiting factor.

Obtaining an unoccupied assignment in a rural or suburban area might not enable these prospective broadcasters to reach a significant minority audience. The cost of purchasing FM stations in major urban areas makes that acquisition of existing stations impossible for many potential minority licensees. Our proposal will make available additional FM

---

<sup>211</sup> “NTIA/MTDP Plans and Goals.”

<sup>212</sup> Petition for Rulemaking, Henry Geller to the Honorable Charles D. Ferris, Record Group 173 Federal Communications Commission, BC Docket No. 80-90, June 1991, vols. 1, 2, 3, box 18, April 19, 1979, National Archives at College Park, MD.

<sup>213</sup> “Rulemaking, Henry Geller to the Honorable Charles D. Ferris.”

channels in areas where minority groups constitute a significant percentage of the radio audience.<sup>214</sup>

The NTIA's request was assigned the rulemaking number 3667. The final piece for Docket 80-90 was now in place.

---

<sup>214</sup> "Rulemaking, Henry Geller to the Honorable Charles D. Ferris."

## Chapter 5: 1980: Docket 80-90 Approved

On February 28, 1980, the FCC adopted the Notice of Proposed Rulemaking (NPRM) for Docket 80-90.<sup>1</sup> Kathryn “Katie” Hosford, principal engineer for the rule, attended the meeting and provided a brief overview of events leading up to this point.<sup>2</sup> Because the suggestions put for by the National Telecommunications Information Agency (NTIA) would encompass a great deal of work, Hosford and her team decided “not to go forth with the NTIA’s recommendations.” FCC Commissioner Anne P. Jones questioned this and said: “I’m always a little hesitant when we dismiss an NTIA proposal.” Hosford’s boss, Gregg DePriest, explained that they would accept a portion of the NTIA petition, postpone the part that required more resources than were available and ask the NTIA to provide further details about their plan. He also hinted that they needed to foot the bill to resolve some of these questions.<sup>3</sup> Satisfied with that answer, the commissioners voted and approved the NPRM. Frank Washington, mastermind of the Minority Tax Credit, who at one time worked at NTIA when it was the Office of Telecommunications Policy (OTP), was in attendance. FCC Chairman Charles D. Ferris commended Hosford on a well-written proposal and called for a vote. The NPRM passed. The entire proceeding took a little less than 10 minutes.

---

<sup>1</sup> Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, 45 Fed. Reg. 55 (adopted February 28, 1980), 17602.

<sup>2</sup> Video Recording, “FCC Open Meeting,” February 28, 1980, Records of the Federal Communications Commission, Record Group 173 MEET-70, National Archives at College Park, MD.

<sup>3</sup> Video Recording, “FCC Open Meeting,” February 28, 1980.

Ferris felt that the NPRM for Docket 80-90 was “among the most effective structural tools... for encouraging program diversity and minority expression.” Addressing efforts to deregulate parts of the radio industry, he added that this would “enable[e] us to reduce governmental intrusion in radio programming areas.”<sup>4</sup> Tyrone Brown, the second African American FCC commissioner, declared “This is another step in expanding opportunities for new voices to enter the broadcast industry.”<sup>5</sup>

Their words encouraged some and rankled others. The idea of promoting “minority expression” and deregulating parts of the radio industry did not sit well with some broadcasters and listeners and was met with a cacophony of responses (2,500 to be exact) that were sent to the FCC. In this chapter, I review those comments paying special attention to the ones that mention minority broadcast ownership.

### 5.1 Tell Us What You Really Think

The public had until June 13, 1980, to submit comments related to the NPRM for Docket 80-90 and August 13, 1980 to submit reply comments.<sup>6</sup> The FCC made sure to publicize the issue and sent out at least two press releases in the months leading up to the NPRM vote.<sup>7</sup> Trade magazines and newspapers across the country ran dozens and dozens of articles with titles such

---

<sup>4</sup> Separate Statement of Charles D. Ferris, Chairman Re: Modification of FM Broadcast Rules to increase the potential number of new FM radio stations, February 28, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

<sup>5</sup> Concurring Statement of Commissioner Tyrone Brown, Re: Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments, 45 Fed. Reg. 55, (adopted February 28, 1980), 17603.

<sup>6</sup> 47 CFR Part 73, Modification of FM Broadcast Station.

<sup>7</sup> Freedom of Information Act Request, Crowell & Moring to Mr. Edward J. Minkel, March 18, 1983, Record Group 173, FCC Docket No. 80-90, vol. 5, box 19, National Archives at College Park, MD.

as “FCC Encourages Public Response on Plan to Reassign FM Frequencies,”<sup>8</sup> “FCC Makes Firm Move to Adding FMs,”<sup>9</sup> “FCC Plan Would Open Space,”<sup>10</sup> “FCC Proposes to Boost Total of FM”<sup>11</sup> and “Proposal to Alter FM Band Provokes Flood of Comments.”<sup>12</sup> The *Press Democrat* (Santa Rosa, CA) gave readers these instructions on how to submit their opinions to the FCC:

Be sure to place the docket number (BC Docket 80-90) on the first page of your comments.... If you would like to have your comments considered a form filing, you must submit an original and nine copies; however, you may simply submit one copy to be filed in the docket as an informal comment.<sup>13</sup>

To say there was great interest is an understatement. The FCC ended up extending the deadline to submit comments. By the time the rulemaking process was finished, and Docket 80-90 was adopted on May 26, 1983, the FCC received 2,500 letters, petitions and engineering studies with feedback on this potential rule.<sup>14</sup> Hosford read every single comment submitted to the FCC and wrote up summaries about them. She also met with commissioners frequently, before they voted, to prepare them and make whatever necessary changes needed to be made if needed.<sup>15</sup>

---

<sup>8</sup> Norman Black, “FCC Encourages Public Response on Plan to Reassign FM Frequencies,” *Arizona Republic* (Phoenix), February 29, 1980.

<sup>9</sup> “FCC Makes Firm Move to Adding FMs,” *Broadcasting*, March 30, 1980, 30.

<sup>10</sup> “FCC Plan Would Open FM Space,” *Baltimore Sun*, February 29, 1980.

<sup>11</sup> “FCC Proposes to Boost Total of FM Channels,” *Wall Street Journal*, February 29, 1980, sec. 1.

<sup>12</sup> “Proposal to Alter FM Band Provokes Flood of Comments,” *Broadcasting*, October 20, 1980, 34, 36.

<sup>13</sup> “FCC Wants Your Opinion: Making Room for More FM,” *Press Democrat* (Santa Rosa, CA), May 18, 1980.

<sup>14</sup> Federal Communications Commission, Minute #287-A-84 December 19, 1984, Commission Open Meeting MM, Record Group 173 UD-06D 3, Minutes of Meetings, 1971–1989, box 18, National Archives at College Park, MD.

<sup>15</sup> Hosford, discussion.

### 5.1.1 Comments Flood the FCC

As soon as word started circulating, in 1975, that the FCC might expand the FM band, people and organizations began sending their thoughts to the agency. A great number of comments were from well-known broadcast entities such as Hearst, NBC and NPR. ABC commissioned a study from A.D. Ring and Associates, a popular and well-respected engineering firm. The study found that the proposed frequency changes would not be as beneficial as touted and would result in “service losses.”<sup>16</sup> Others, such as McClatchy Newspapers, which owned the licensee for five radio stations, filed their comments jointly with Great Empire Broadcasting, Inc.<sup>17</sup> Large broadcasters that once had great standing in the industry but no longer exist, such as Mutual Broadcasting Systems, petitioned the FCC<sup>18</sup> as did smaller ones such as Community Service Broadcasting, Inc. based in Hollywood, FL.<sup>19</sup> There were letters and petitions from citizens groups such as the National Black Media Coalition (NBMC) and trade organizations like National Association of Black Owned Broadcasters (NABOB) which lobbied on behalf of their constituents. Colleges and universities also reached out to the FCC. Broadcasters at the University of Minnesota’s WMMR was in favor of Docket 80-90 because they were looking to expand their course offerings and “provide professional training in broadcasting... [and] radio

---

<sup>16</sup> In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, Comments of American Broadcasting Companies Inc., October 1, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD, 5.

<sup>17</sup> In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, Joint Comments, McClatchy Newspapers and Great Empire Broadcasting Co., October 2, 1989, Record Group 173, FCC Docket No. 80-90, vol. 3, box 18, National Archives at College Park, MD.

<sup>18</sup> Lou Millet to Senator Russell Long, November 20, 1978, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

<sup>19</sup> Jim Glassman to Secretary Federal Communications Commissions, May 9, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

service to its audience, the residents of the dormitories on the Twin Cities Campus.”<sup>20</sup> However, the music librarian at Case Western Reserve University was opposed to the change for fear that it would “severely lessen the effectiveness of FM classical music stations....”<sup>21</sup> The same can be said of the professor of orchestral conducting at Oberlin University who was sure he represented “thousands of likeminded people” protesting the change. He was adamant that Docket 80-90 would bring about “the demise of one of the greatest recent advancements in sound reproduction – stereo.”<sup>22</sup> Members of the Aircraft Owners and Pilots Association was against the rule because they worried that the changes would result in new antennae heights that would jeopardize air safety.<sup>23</sup> There were everyday citizens, such as Scott Campbell, who simply loved listening to classical music on the radio. In his letter to the FCC, he explained:

I listen to the radio about 16 hours every day... I happen to enjoy classical music. About the only break I take from classical music is to listen to “All Things Considered” on NPR every evening.... I can dependably receive in the general order of 40 stations. Even in my car, I can receive at least 15 stations. The plain blunt fact is that we don’t need any more stations.<sup>24</sup>

When the FCC did not respond quickly to a public request, or when a citizen wanted to make sure their comment was heard, they often asked their congressional representative for help.

Michigan Harold Munn turned to his congressman, Mark D. Siljander for assistance.

---

<sup>20</sup> Michael McIntee to The Federal Communications Commission, September 29, 1980, Record Group 173, FCC Docket No. 80-90, vol. 3, box 18, National Archives at College Park, MD.

<sup>21</sup> Theodore Albrecht to Mr. N.M. Tricario, May 13, 1979, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

<sup>22</sup> Robert Baustian to Mr. William J. Tricario, May 13, 1979, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

<sup>23</sup> C. Dennis Wright to Mr. William J. Tricarico, September 25, 1980, Record Group 173 FCC Docket No. 80-90, vol. 2, box 18, National Archives at College Park, MD.

<sup>24</sup> Scott Campbell to Mr. Charles E. [sic] Ferris, April 27, 1979, Record Group 173, FCC Docket No. 80-90, vol. 6, box 19, National Archives at College Park, MD.



Siljander sent the following to Mark Fowler, chair of the FCC, with a wink and a nod to their shared political affiliation. Siljander wrote:

Enclosed is a suggested compromise to the rules changes under Docket 80-90. It has been proposed by a constituent from my District, Mr. Harold Munn. Mr. Munn is the owner of several radio stations, an experienced broadcaster and a staunch Republican.

Although Mr. Munn is a personal acquaintance, he is also highly respected in broadcast circles and has advised many government and network officials on rules and proposals and management policies.

I would like you to give his proposal full consideration....<sup>25</sup>

Tim from Tennessee wanted an FM gospel station in his town—not just for himself but for others too.<sup>26</sup> According to Tim’s letter, WEZK FM<sup>27</sup> in Knoxville, TN, was “oppos[ed] to J. Bazzell Mull’s proposal for an FM radio station.”<sup>28</sup> Because of this, Tim wrote a letter to his congressman Representative John Duncan and encouraged Duncan and Senator Barry Goldwater (a Republican from Arizona) to support “Docket 80-108” [sic]. Even though Tim referenced the incorrect docket number, his letter made its way to the appropriate file at the FCC. Ironically, a column in the *Knoxville News-Sentinel* (Knoxville, TN) featured a letter from a Tim Witt asking about WEZK’s objection to Mull’s efforts to own an FM radio station in the area.<sup>29</sup> WEZK

---

<sup>25</sup> Mark D. Siljander to Mark S. Fowler, May 17, 1983, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

<sup>26</sup> Tim to Hon. John Duncan, July 23, 1981, Record Group 173, FCC Docket No. 80-90, vol. 5, box 19, National Archives at College Park, MD.

<sup>27</sup> “Ask General Knox: Gospel Station Questions Arise,” *Knoxville News-Sentinel* (Knoxville, TN), August 26, 1981.

<sup>28</sup> Tim to Hon. John Duncan.

<sup>29</sup> “Ask General Knox: Gospel Station Questions Arise.”

station manager Carlos Kivett told the newspaper that Mull's requested frequency<sup>30</sup> would interfere with their signal. It is possible Tim (with no last name) and Tim Witt are same person.

#### 5.1.2 Calls for Minority Ownership

While George W. Phillips's petition to make changes to the FM Table of Allotments was the first formal petition received by the FCC, it was not concerned with minority ownership. It was also not the first letter to arrive with suggestions to expand the FM band. Daniel Mahoney of the Freedom Development Company out of Auburn, MA holds that honor. Mahoney sent a handwritten letter to the FCC that was received on August 12, 1975—six days *before* Phillips's petition arrived. Mahoney and asked the agency to expand the FM band so he could create Spanish-language programs. He was persistent and wrote the FCC twice more. The letter he wrote on December 7, 1977, never reached the FCC's Policy and Rules Division.<sup>31</sup> However, his letter dated December 9, 1977, did. In it he asked the FCC to promote minority ownership of radio stations.<sup>32</sup> This time, he sent the FCC a list of 38 cities and frequencies that would benefit from minority ownership, provided the technical parameters needed to allow for this, and asked for a waiver that would grant special permission to make changes to the FM Table of Assignment. Mahoney wrote: "MINORITIES [would be able] to build class A FM stations" in cities such as Pittsburgh, Atlanta, Denver, Nashville, Omaha, Honolulu, Anchorage, and Las

---

<sup>30</sup> Hoyt Canady, "Mull May Be Nearer to Getting FM Station in Knoxville," *Knoxville News-Sentinel* (Knoxville, TN), November 11, 1981.

<sup>31</sup> Roscoe E. Long to Daniel J. Mahoney, April 27, 1978, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

<sup>32</sup> Freedom Development Company to Dear Gentleman, December 9, 1977, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD, 1.

Vegas.<sup>33</sup> While there is no further correspondence to or from Mahoney in the FCC archives, it is safe to say they denied his request.

In 1979, Muzak, the company that created “elevator music” submitted comments regarding Serge Bergen’s petition to expand the FM band. Muzak’s input highlighted minority ownership: “These modern spectrum management techniques may offer the potential for increased FM broadcast service and opportunities for minorities in FM broadcasting while continuing to provide existing stations with the equivalent level of interference protection under the present rules.”<sup>34</sup> Julia N. Frew, a broadcaster<sup>35</sup> out of Cartersville, GA, endorsed Bergen’s petition and asked the FCC to execute it as soon as possible.<sup>36</sup> Frew felt that expanding the FM band would benefit people of color. She explained: “If Mr. Bergen’s rulemaking is instituted many new frequencies will become available. This will make it possible for minorities to make available divergent points of view.”<sup>37</sup>

Ron Simpson of R.L. Simpson Company, a business specializing in “mobile radio equipment and direct dial pagers,” sent the FCC a letter highlighting 10 reasons why he

---

<sup>33</sup> Freedom Development Company, 2.

<sup>34</sup> In the Matter of Revision of FM Broadcast Rules, Comments of Muzak, A Division of Teleprompter Corporation, May 25, 1979, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

<sup>35</sup> “Noted Communications Attorney Is Charged with Defrauding Clients,” *Atlanta Constitution*, May 8, 1985.

<sup>36</sup> Julia N. Frew to Federal Communications Commission, September 3, 1979, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

<sup>37</sup> Julia N. Frew to Federal Communications Commission.

supported Docket 80-90. Item “(g)... would allow minority groups increased opportunity [sic] to enter the broadcast profession and become involved in station ownership.”<sup>38</sup>

Despite these examples, responses focusing on increasing minority ownership were sparse. In fact, there were only 19 comments related to this topic in the FCC archives. While most of them were similar to the examples above. There was one comment that contained a passionate request for increasing minority ownership, and it was backed by the support of the community. When WNOO, a White-owned station out of Chattanooga, TN, submitted its reply comments to the FCC, it included the signature of 2,000 African American residents, legislators from the Tennessee Black Caucus, and Reverend Robert E. Keesee, of St. Paul AME Church. WNOO programmed its content for a Black community and had been doing so since 1966.<sup>39</sup> Station owners supported Docket 80-90 because there was no nighttime programming for its listeners. WNOO management said not having fulltime service was a detriment and had “the effect of leaving Black in an information vacuum as to the matters most pertinent to their everyday lives.”<sup>40</sup> The station devoted 27 percent of its programming “to news, public affairs and all other programs, exclusive of entertainment and sports.”<sup>41</sup> Shows that aired on the station included *Real Talk* with episodes such as “Black Awareness and Black History” featuring

---

<sup>38</sup> Ron Simpson to Secretary Federal Communications Commission, May 20, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

<sup>39</sup> In the Matter of Modification of FM Broadcast Petition Rules to Increase the Availability of Commercial Broadcast Assignments, Reply Comments in Support of Notice of Proposed Rulemaking, December 1, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 4, box 19, National Archives at College Park, College Park, MD, 1.

<sup>40</sup> In the Matter of Modification of FM Broadcast Petition Rules to Increase the Availability of Commercial Broadcast Assignments.

<sup>41</sup> In the Matter of Modification of FM Broadcast Petition Rules to Increase the Availability of Commercial Broadcast Assignments.

Benjamin Hooks who was the first Black member of the FCC and “Campus Talk” which focused on what was then Ft. Valley State College, a historically Black institution. In its petition to the FCC, the mayor of the city told FCC officials: “WNOO serves the Black community primarily and certainly does a commendable job in putting forth community awareness.”<sup>42</sup>

### 5.1.3 Stop Focusing on Minority Broadcast Ownership

Some were adamantly opposed to increasing the FM band to encourage minority broadcast ownership. Nutmeg Broadcasting said the FCC had already done more than enough to increase minority broadcast ownership and criticized the agency’s current efforts. Rejecting the idea, the president of Nutmeg wrote:

The Commission has in place with its current ‘distress sale policies, and tax certificate programs’ adequate machinery to bring about significant minority ownership of broadcast stations. By the Commission’s count, these policies have doubled the number of minority-owned stations within the past year. The Nutmeg Broadcasting Company feels that the trade-off of creating a vast amount of new interference in the FM band for opening up new ownership possibilities for minorities is not, in the long run, an intelligent choice.<sup>43</sup>

The Pennsylvania Association of Broadcasters (PAB) questioned the motives of the FCC and likened the FM expansion to a handout that would not increase minority ownership. The group argued that “most of the additional assignments will not be made in... major urban areas with large minority populations. Moreover, the gift to minorities of entry into a broadcasting

---

<sup>42</sup> Charles A. Rose, Mayor; John P. Franklin, Commissioner of Health & Education; Paul Clark, Commissioner of Public Works; Jim Eberle, Commissioner of Public Utilities; Walter Smart, Commissioner of Fire and Police to Federal Communications Commission, February 4, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 4, box 19, National Archives at College Park, MD.

<sup>43</sup> Michael C. Rice to Federal Communications Commission, September 22, 1980, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

industry which has been overpopulated devalued and disrupted is of dubious merit.”<sup>44</sup> Likewise, McClatchy Newspapers and the Great Empire Broadcasting Co. also took issue with the possible locations of the frequencies. They maintained that “to make that station a success, the FM operator needs wide-area coverage,”<sup>45</sup> similar to the current standards. By changing those, “The Commission would create fractionalized broadcasting (emphasis in the original), local outlets unable to reach communities within the area they must serve to render public service and compete with other broadcast services.”<sup>46</sup>

The American Contemporary Radio Network based in Enid, OK sent the FCC a letter and closed it with this insulting statement:

If the FCC’s proposal is only for allowing minorities a chance at ownership, then you do them no favor. In fact, you do a disfavor to the MAJORITY (emphasis in original) of the public. Why not make it possible for them to own a bank instead?<sup>47</sup>

## 5.2 Kathryn “Katie” Hosford: The Engineer Behind Docket 80-90

As an engineer, Kathryn “Katie” Hosford’s job was writing the NPRM for Docket 80-90 and handling its technical parameters. Her expertise was in spectrum management.<sup>48</sup> She explains her responsibility was to answer the question: “How do you do the engineering for FM

---

<sup>44</sup> In re the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments Amendment of Policies and Procedures of amending the FM Table of Assignments, Section 73.202(b) of the Commission’ [sic] rules Comments in Opposition of Pennsylvania Association of Broadcasters, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 2, box 18, National Archives at College Park, College Park, MD, 15.

<sup>45</sup> Pennsylvania Association of Broadcasters.

<sup>46</sup> In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, Joint Comments, McClatchy Newspapers and Great Empire Broadcasting Co., 4-5.

<sup>47</sup> Pat Murphy to Mr. Charles Ferris, Chairman, September 8, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 2, box 18, National Archives at College Park, College Park, MD.

<sup>48</sup> Hosford, discussion.

broadcast stations?” Hosford arrived at the FCC in 1978 and was an engineer in the Policy and Rules Branch; Docket 80-90 was one of her very first projects. As the “new kid,” she was assigned to FM radio. Hosford also spent a great deal of time talking to people who wanted to build radio stations in their towns. She said her work was thrilling, and she felt a particular joy when a community got a new station.<sup>49</sup>

She conducted studies, had conversations with the engineers from the Office of Engineering Technology (OET), and decided the best course of action would be to “keep the structure the same, keep the Table of Allotments, keep the bands to 100 channels frequency, and fit in more stations... [with] this scheme of putting in more options.”<sup>50</sup> The result was three new classes of stations: B1, C1 and C2 with different power levels.<sup>51</sup>

Hosford worked on Docket 80-90 from 1980 to around 1984. By the time it was implemented, she had moved on and was working in maritime radio. Eventually, she worked with public safety and EMS assignments on “aspects of radios for EMS to call the hospitals,” so they were able to send “the telemetry” en route to the emergency room. She shares this touching story:

My husband had a heart attack. So, I sort of saved his life too. [The EMS crew] sent his data right to the hospital [in] Arlington, [VA]. By the time... they got him to the hospital, the surgeon was all prepped and ready and they wheeled him right into the operating room. That was [a result of] the frequency spectrum work I did at the FCC years ago.

---

<sup>49</sup> Hosford, discussion.

<sup>50</sup> Hosford, discussion.

<sup>51</sup> See Modification of FM Broadcast Stations Rules to Increase the Availability of Commercial FM Broadcast Assignments (Report and Order), 94 FCC2d 152, 159 n. 10 (1983).

She also worked at OET as a liaison and coordinator with radio agencies during Operation Desert Storm. Throughout her career, she was always on the cutting edge of emerging technologies. She says: “I had a fascinating career working on a lot of interesting assignments, and I think I’ve made a difference.... [I] used my degree that I got back in 1974 when women were first allowed to go to school for such things.” Hosford is thankful for the women who blazed trails before her. She is very modest when asked about the paths she forged for the women who would come behind her. For her, the joy came from being a public servant and helping the FCC serve the public interest. She takes pride in her work and hates that there is the misconception that federal workers are there for “the easy job.” She emphasizes, “Federal employees are hardworking people.... I could have made a lot more money” working the private sector. When she graduated from Clarkson College, she had multiple offers and worked at Kodak Eastman for a while, but it was her time at the FCC that was most inspiring... “Verizon didn’t need me,” she said. “But the police departments did.”

She recalls:

I really loved working in the public sector and with FM broadcast. Back then, broadcast was king. There was no wireless. There was no cellular radio. There were no regular cell phones.... It was it was fulfilling, and I really did feel that I was accomplishing something.<sup>52</sup>

### 5.3 A Very Different Commission

By the time Docket 80-90 came to a vote in 1983, the FCC looked very different from the one that approved the NPRM for Docket 80-90 in 1980. By this time, Tyrone Brown was gone, and there were no African Americans on the Commission; however, the agency finally had its first Hispanic commissioner. Henry M. Rivera, a Democrat from New Mexico, was selected by

---

<sup>52</sup> Hosford, discussion.



President Reagan.<sup>53</sup> A Reagan appointee, Mark S. Fowler, was now the head of the FCC, and he was joined by fellow Republicans Mimi Weyforth Dawson and Steven A. Sharp. Republican Ann P. Jones was a holdover from the Carter administration. Democrat James H. Quello was appointed by President Richard Nixon<sup>54</sup> and Democrat Joseph R. Fogarty was appointed by President Gerald Ford.<sup>55</sup> The NTIA looked a lot different too. Henry Geller, who championed minority broadcast ownership, had left the NTIA.

#### 5.4 Docket 80-90: The Vote

On May 26, 1983, FCC commissioners voted on Docket 80-90. Initially, the commissioners declined to discuss the item before voting, but Jones thought better of it. She told her colleagues: “It suddenly strikes me that... since this is a very newsworthy item, that although I really don’t feel the purposes of a vote that I need a presentation, it might be worthwhile in the interest of spreading the word.”<sup>56</sup> And so, the presentation commenced. During their discussion, Fowler thought it prudent to give daytimers “some significant preference” similar to the one being giving to minorities. This did not sit well with two of his colleagues. The exchange went as follows:

**Fowler:** I think it’s generally noted in the industry now that daytimers are having a very difficult time making a go of it with the onslaught of fulltime FM stations obviously most of them are operated fulltime plus, in addition, their historical competitor the fulltime am stations.

---

<sup>53</sup> “First Hispanic: Rivera Sworn In as FCC Member,” *Albuquerque Journal*, August 11, 1981.

<sup>54</sup> Associated Press, “Opposition To Quello For FCC,” *Washington Post*, January 31, 1974.

<sup>55</sup> John Carmody, “Fogarty, White: FCC Nominees,” July 23, 1976.

<sup>56</sup> Video Recording, “FCC Open Meeting,” May 26, 1983, Records of the Federal Communications Commission, Record Group 173 MEET-219, National Archives at College Park, MD.

And that doesn't mean that it would be an automatic win, but I would like to explore in that omnibus rulemaking proceeding the question of whether or not they ought not to be granted some sort of a preference and on what basis that would be granted. And there may be some comments that will be helpful in that area and exploring that because I think that the day timers need some break, and I would like to support that.

**Jones:** I agree.

**Quello:** I agree that they need some break. But it's not before us today on this item. It might be a good way to help them but what are we gonna do with the diversity merit? Are we're gonna say no diversity demerit if you agree to sell if you get the FM grant? How are you going to handle that?

**Martin Blumenthall** (Mass Media Bureau): Perhaps a neutral treatment of a Daytimer, who applied for... an FM facility in his community... I feel sure we can and should deal with that in the Omnibus Rule.

**Fowler:** Is that satisfactory?

**Rivera:** Yeah, I would like to work with you on language if I may. Just exploring the options....

**Quello:** It's a nice thought but it isn't gonna stop me from a ringing dissent on this item... I, along with the further administrative burdens to a mass media bureau that I think has, I don't know how many hundreds of applications now on FM and AM petitions along with your low-power petitions. The administrative burden is going to be considerable. I don't, I don't think it's worth it....<sup>57</sup>

When Quello finished his statement, Rivera praised Hosford for a "stellar job"<sup>58</sup> and acknowledged her absence. Hosford was not present that day because she was in Hawaii for her wedding anniversary. She was also three months pregnant, a fact that she was careful not to disclose because, as she warned: "You never told anybody you were pregnant back then."<sup>59</sup> The vote for Docket 80-90 was originally supposed to occur in January or February but kept getting pushed back. Hosford's colleagues questioned her decision to leave the day before her "big

---

<sup>57</sup> Video Recording, "FCC Open Meeting," May 26, 1983.

<sup>58</sup> Video Recording, "FCC Open Meeting," May 26, 1983.

<sup>59</sup> Hosford, discussion.

presentation,”<sup>60</sup> but her supervisor, Greg DePriest, gave the presentation and recognized her hard work and commitment. Marty Blumenthal, who was head of the Mass Media Bureau, also praised Hosford and said: “Katie Hosford... has taught us all everything we know about this item.... It was primarily her work on the engineering and her write-up on this item that you have before you now.”<sup>61</sup> Members of the Commission applauded her in her absence.

Docket 80-90 was approved that day, but not before Rivera spoke to the daytimer preferences one more time. He stressed:

I am concerned about it not only from the daytimer point of view, but from the minority ownership point of view, because as you know, many daytimers are minorities. I would just hope and hope to work with the Bureau on this that any preference for day timers is not to the detriment of other... deserving groups primarily, of course, minorities.<sup>62</sup>

As promised, Quello voted against Docket 80-90; in his dissenting statement, he said the only reason a rule like Docket 80-90 should be passed is to speak to the “public interest” and “to provide for better, more diversified FM radio service to the American people.”<sup>63</sup>

Unfortunately, Rivera’s fears regarding daytimer preferences would ring true. Fowler would go on to ask the public to provide comments on whether AM broadcaster should get any sort of preferential treatment.<sup>64</sup> In the next chapter, I look at the discussion around this, the implementation of Docket 80-90, and what went right and what went horribly wrong.

---

<sup>60</sup> Hosford, discussion.

<sup>61</sup> Video Recording, “FCC Open Meeting,” May 26, 1983.

<sup>62</sup> Video Recording, “FCC Open Meeting,” May 26, 1983.

<sup>63</sup> Dissenting Statement of FCC Commissioner James H. Quello In Re: FM Drop-Ins, Docket No. 80–90, May 26, 1983, Blog, Quello Center Media & Information Police, accessed November 12, 2023, <https://quello.msu.edu/dissenting-statement-of-fcc-commissioner-james-h-quello-in-re-fm-drop-ins-docket-no-80-90/>.

<sup>64</sup> “FCC Opens Up FM Spectrum—Wide,” *Broadcasting* 104, no. 22 (May 30, 1983), 31–32.

## Chapter 6: Docket 80-90: Hopes and Dreams Dashed

“Welcome to the world of public policy making where more times than not, the political environment is framed in confusion, contradictions, and consternation.”

—Larry N. Gerston<sup>1</sup>

The quote above accurately encapsulates the events that occur in this chapter where I explain and evaluate a series of troubling problems that arose with the implementation of Docket 80-90. These were more than mere glitches or snags; they were both serious actions by the FCC that stripped minority benefits from Docket 80-90 and get-rich-quick scams that left thousands of people disillusioned, disengaged, and broken.

### 6.1 80-90, 80-130, 84-231 Explained

People often conflate Docket 80-90 with the implementation of Docket 80-90 which is MM Docket No. 84-231. Mark Lipp, former chief of the Mass Media (MM) Bureau, Allocations Branch, explains Docket 80-90 was purely a technical proceeding. Lipp says the engineers were not necessarily worried about who was going to get the licenses; they “were just interested in allocating them.”<sup>2</sup> Docket 80-90 accomplished more than finding a way for more stations to operate in the US,<sup>3</sup> which was a monumental task unto itself. The rule also adopted the metric system for FM broadcasting, which was a goal commissioners set in 1976.<sup>4</sup> Kathryn Hosford, the

---

<sup>1</sup> Larry N. Gerston, *Public Policy Making: Process and Principles*, 3rd ed. (London: Routledge, 2015), 3.

<sup>2</sup> Lipp, discussion.

<sup>3</sup> Federal Communications Commission Agenda Item, January 23, 1984, Minutes of Meetings 1971-1989, box 1, Minute #49-A-84 March 1, 1984, Commission Open Meeting (Policy), National Archives at College Park, MD.

<sup>4</sup> Federal Communications Commission International System of Units (SI) Program Adoption, 41 Fed. Reg. 154, (adopted August 3, 1976), 33326.

lead engineer for Docket 80-90, was responsible for those calculations. She also worked with her counterparts in Canada and Mexico to coordinate the US effort. Once her work on this rule was complete, Hosford moved on to other projects.<sup>5</sup>

Docket 84-231 was an omnibus proceeding that spelled out the 689 communities slated to get new FM radio stations, outlined the application process, and specified who would get preference points during the comparative hearing process. The comparative hearing process was an oft times lengthy and expensive court proceeding that awarded building permits to construct the new radio stations. Despite the stark differences between 80-90 and 84-231, Lipp concedes most people “lump both rules together.”<sup>6</sup> In fact, when the implementation of Docket 80-90 was brought to a vote at the March 1, 1984, FCC meeting, James C. McKinney, Chief of the Mass Media Bureau asked the Commission for permission to present both items at the same time.<sup>7</sup>

#### 6.1.1 Docket 80-130: Minorities Get the Shaft

Before the specifics of Docket 84-231 can be discussed, there is another proceeding sandwiched between Docket 80-90 and Docket 84-231 that is vitally important to this study: FCC Docket 80-130, a “companion proceeding” to Docket 80-90. There would have been no provision for minority preferences in the distribution of these new frequencies had it not been for Docket 80-130. To understand how this omission almost occurred, a visit to the World Administrative Radio Conference (WARC) in 1979 is necessary.

---

<sup>5</sup> Hosford, discussion.

<sup>6</sup> Lipp, discussion.

<sup>7</sup> Video Recording, “FCC Open Meeting,” March 1, 1984, Records of the Federal Communications Commission, Record Group 173 MEET-243, National Archives at College Park, MD.

Every two decades, the WARC is held. This event is a 10-week-long meeting of the International Telecommunications Union (ITU).<sup>8</sup> A delegation from the United States attended WARC-79 and asked for the AM band to be expanded.<sup>9</sup> Part of the impetus for that expansion was to increase minority broadcast ownership. A portion of the AM band was expanded, and discussions about this action were to take place at the International Telecommunications Union (ITU) Regional Conference. In preparation for that ITU regional meeting, the “Advisory Committee on AM Broadcasting in Region 2” was formed on January 4, 1980.<sup>10</sup> Once the Committee was created, the National Black Media Coalition (NBMC) submitted at least two sets of comments heralding the benefits of increased minority broadcast ownership on the AM band.<sup>11</sup> Meanwhile, James Reeder of the National Black Network (NBN) and Roderick Porter,

---

<sup>8</sup> Larry Kramer, “Radio Spectrum The Next Arena For Nonaligned Nations’ Challenge: U.S. Policy Is to Seek Maximum Airwave Use Third World Skeptical Of U.S.’s Airwave Usage,” *Washington Post*, September 23, 1979, sec. Business & Finance.

<sup>9</sup> Issue: WARC-79, Communications Policy—Office of Telecommunications Policy (OTP) Briefing-Option Papers [1], Domestic Policy Staff Simon Lazarus’s 1976 Campaign Transition Files, box 4, Jimmy Carter Library; See also David E. Honig, “Lessons for the 1999 WARC,” *Journal of Communication* 30, no. 2 (June 1, 1980), 48–58, <https://doi.org/10.1111/j.1460-2466.1980.tb01965.x>.

<sup>10</sup> CHARTER of the ADVISORY COMMITTEE ON AM BROADCASTING IN REGION 2, Minutes of Meetings 1980, Minute #338-A-80 September 10, 1980, Commission Open Meeting (B/C), Group 173, box 7, Appendix A, National Archives at College Park, MD.

<sup>11</sup> See “DEMAND FOR NEW MINORITY-OWNED RADIO STATIONS,” David Honig Research Director, National Black Media Coalition November 25, 1980; “ADDITIONAL HISPANIC-OWNED STATIONS NEEDED FOR MARKET PARITY: A SUPPLEMENT TO “DEMAND FOR NEW MINORITY-OWNED RADIO STATIONS,” January 26, 1981, COMMENTS OF THE NATIONAL BLACK MEDIA COALITION, CONCURRING IN PART AND DISSENTING IN PART TO THE DRAFT “REPORT ON RADIO ALLOCATIONS PRIORITIES” OF THE ALLOCATIONS SUBGROUP, ADVISORY COMMITTEE ON RADIO BROADCASTING, February 25, 1981 all found in found in Record Group 173, vol. 5, box 19, National Archives at College Park, MD.

longtime FCC attorney, met with a staffer<sup>12</sup> of FCC Commissioner Henry Rivera to stress the importance of preferences for minorities.<sup>13</sup>

With the advent of Docket 80-90, the Advisory Committee on AM Broadcasting in Region 2 was repurposed, and its charter amended to ameliorate issues for both the AM and FM bands. On September 10, 1980, the Advisory on Committee and AM Broadcasting in Region 2 became the Government-Industry Advisory Committee with the explicit purpose of negotiating modifications for both bands (FCC 80-537).<sup>14</sup> Two “informal subgroups” were formed: the Subgroup on Radio Spectrum Allocations and the Subgroup on Technical Matters. The Subgroup on Radio Spectrum Allocations would grapple with the “economic and social” components of the rule and the latter one would sort out the “technical factors.”<sup>15</sup> Ultimately, both were directed by the FCC to provide recommendations on the best way to proceed with the implementation of Docket 80-90.

When the FM Table of Allotments was devised in 1963, the Commission prioritized providing “fair, efficient and equitable distribution of radio service” as instructed in Section 307(b) of the Communications Act. This would be carried out by considering seven important factors including but not limited to providing at least two FM stations to as many communities as

---

<sup>12</sup> Renee Licht, memorandum, Legal Assistant to Commissioner Rivera, FM Drop-Ins – Docket 80-90, December 7, 1981, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

<sup>13</sup> RESOLUTION OF THE AFFILIATES ADVISORY BOARD OF THE NATIONAL BLACK NETWORK, October 27, 1981, Record Group 173, box 19, vol. 5, National Archives at College Park, MD.

<sup>14</sup> In the Matter Requests for Formation of New Government-Industry Advisory Committee on AM and FM Radio Broadcasting, and for the Institution of Consolidated Inquiry Proceeding on AM and FM Radio, Minute #338-A-80 September 10, 1980, Commission Open Meeting (B/C) MEMORANDUM OPINION AND ORDER, Group 173, box 7, National Archives at College Park, MD.

<sup>15</sup> CHARTER of the ADVISORY COMMITTEE ON RADIO BROADCASTING, Minutes of Meetings 1980, Minute #338-A-80, September 10, 1980, Commission Open Meeting (B/C), Group 173 box 7, Appendix B.

possible in the country—especially the areas with no radio service at all. This was relatively easy to achieve because the FM frequencies were distributed on an ad-needed basis. However, the rising popularity of FM radio and the adoption of Docket 80-90 required reevaluation of the distribution process. To update and streamline the dissemination of the new FM channels, the FCC adopted the Second Report and Order for Docket 80-130 on May 20, 1982.<sup>16</sup> The Second Report and Order for Docket 80-130 kept the original intent of the FM Table of Allotments, which was to provide FM service to the entire United States, to provide a variety of “program choices,” and to localize it.<sup>17</sup> It reduced the seven priorities four which included areas without radio stations, towns, and cities that accommodate a second FM station. There was one glaring omission in this truncated list: minority ownership was not deemed a priority.

In 1980, the Subgroup on Radio Spectrum Allocations met and told the Commission in no uncertain terms: “These priorities do not reflect the allocations priorities recommended earlier.”<sup>18</sup> When the list still had not been updated two years later, the Subgroup was extremely disappointed that the Second Report and Order for Docket 80-130 failed to include meaningful language that addressed the needs and concerns of minorities—especially since the Subgroup made the recommendation a twice on December 17, 1980 and again on March 4, 1981, well before the Second Report and Order for Docket 80-130 was adopted. The Subgroup clearly

---

<sup>16</sup> Laurence E. Harris to the Honorable Jesse Helms, May 26, 1982, Record Group 173, box 19, vol. 5, National Archives at College Park, MD.

<sup>17</sup> In the Matter of Revision of FM Assignment Policies and Procedures SECOND REPORT AND ORDER, BC Docket No. 80-130, FCC 82-240.

<sup>18</sup> “Report on New Station Demand and Viability,” December 17, 1980, Record Group 173, box 19, vol. 5, National Archives at College Park, MD, 27.



affirmed “increasing the numbers of minority-owned stations (emphasis in original) to remedy the extreme underrepresentation of minorities in broadcasting”<sup>19</sup> was paramount.

In its final report released on July 7, 1982, the Subgroup wrote this sharp rebuke:

[T]he Second Report and Order [for 80-130] is shortsighted and deficient in neglecting to consider the allocation goals associated with full-time service, minority ownership and noncommercial services—goals reflected in a number of past and pending FCC policies and proposals.<sup>20</sup>

Once the committee’s purpose included the FM band, NMBC adjusted its focus. As always, NBMC was forthright in its commitment to ensuring minority representation. NBMC approached the new committee and requested that applications submitted by people of color for the new FM assignments be given preferences.<sup>21</sup> David Honig, who at the time was the research coordinator for NBMC, submitted a written report to the subgroup on radio spectrum allocations and informed them that only 140 of the country’s 8,800 radio stations were owned by minorities and most of these were on the AM band.<sup>22</sup> He spoke to the history of discrimination at the FCC and the systemic racism that prevented people of color from being able to enter this field in a substantive way. He noted they were not allowed to attend certain colleges to study technical subjects, receive business loans, or get information of opportunities for ownership within the radio industry. This was one of the most his damning statements:

---

<sup>19</sup> REPORT ON RADIO ALLOCATIONS PRIORITIES PREPARED BY THE SUBGROUP ON RADIO SPECTRUM ALLOCATIONS COMMITTEE ON RADIO BROADCASTING FOR SUBMISSION TO THE FEDERAL COMMUNICATIONS COMMISSION, March 4, 1981, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

<sup>20</sup> REPORT ON FM ALLOCATION POLICIES PREPARED BY THE SUBGROUP ON RADIO SPECTRUM, 2.

<sup>21</sup> ELIGIBILITY CRITERIA FAVORING MINORITY OWNERSHIP IN THE LICENSING OF NEW FM RADIO STATIONS, June 29, 1982, Appendix 5, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD, 6.

<sup>22</sup> ELIGIBILITY CRITERIA FAVORING MINORITY OWNERSHIP IN THE LICENSING OF NEW FM RADIO STATIONS.

Even today, there are only thirteen minority communications attorneys practicing before the FCC; there are no minority station brokers; and there are only two Black and one Hispanic consulting engineers. No minority person served on the FCC until 1972. Rules prohibiting discrimination in broadcasting were not adopted by the FCC until 1969, and today, minorities still suffer vast underrepresentation in broadcast jobs which often are a necessary predicate to station ownership.<sup>23</sup>

He laid the blame squarely on the FCC and declared: “Both the courts and the US Commission on Civil Rights have held that the allocation system used by the FCC has been partly responsible for the racial imbalance in broadcast station ownership.”<sup>24</sup> Someone on the Committee heeded the words of NBMC and when Docket 84-231 was implemented, preferences were given to minorities.

While this appeared to be a “win” for proponents of minority broadcast ownership, it was not. Docket 80-130 also suggested preference points be given to daytimers. The Subgroup recommended that “the new FM priorities should be modified to include the omitted allocation objectives relating to fulltime authority for daytimers, minority ownership and noncommercial broadcasting services.”<sup>25</sup> Those championing the crusade for increasing minority ownership deemed this unfair. In NBMC’s view, the FCC went too far and granted “too great a preference to daytime-only licensees.”<sup>26</sup> NBMC and the National Association of Black Owned Broadcasters (NABOB) worried that the preferences for daytime-only broadcasters would nullify any benefit

---

<sup>23</sup> ELIGIBILITY CRITERIA FAVORING MINORITY OWNERSHIP IN THE LICENSING OF NEW FM RADIO STATIONS, 2.

<sup>24</sup> ELIGIBILITY CRITERIA FAVORING MINORITY OWNERSHIP IN THE LICENSING OF NEW FM RADIO STATIONS, 3-4.

<sup>25</sup> REPORT ON FM ALLOCATION POLICIES PREPARED BY THE SUBGROUP ON RADIO SPECTRUM ALLOCATIONS OF THE ADVISORY COMMITTEE ON RADIO BROADCASTING FOR SUBMISSION TO THE FEDERAL COMMUNICATIONS COMMISSION, July 7, 1982, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD, 2.

<sup>26</sup> Agenda Item, Chief, Mass Media Bureau, Docket 84-231, 2.

minorities hoped to gain.<sup>27</sup> The FCC finally settled on providing preferences in the following order:

- (1) first local service [communities without radio stations]
- (2) first fulltime local service [communities with daytime-only stations]
- (3) provision of minority service [stations owned by minorities in areas with substantial minority populations]
- (4) provision of public radio service [communities without public broadcasting]

Not all criteria had to be met, but in cases where a White applicant qualified for items one and two, the minority applicant would most likely lose if they only relied on preference points for item three alone. According to Honig, the daytimer preference “undermined the minority preference... if a daytime-only station owner applied for a new license and claimed preferences for ‘daytimer’ status, past broadcast record and broadcast experience, a minority new entrant would lose a comparative hearing overwhelmingly.” On a separate note, the FCC decided in 1978 that women looking to own FM broadcast facilities would be given preferences.<sup>28</sup> As long as women were going to be involved in managing the station, extra preference points were awarded to the applicant with women on their team.<sup>29</sup> The preferences were eventually struck down. That will be discussed later in this chapter.

---

<sup>27</sup> In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast; Assignments, MM Docket No. 84-231, Second Report And Order, Adopted March 14, 1985. See also, Agenda Item, Chief, Mass Media Bureau, Docket 84-231: Implementation of Docket No. 80-90 to Increase the Availability of PM Broadcast Assignments, January 3, 1986, Minute #39-A-86 February 10, 1986, COMMISSION CIRCULATION (MM), Record Group 173-90-20 UD DW 13 2, box 2, National Archives at College Park, MD, 2.

<sup>28</sup> Lawrence Feinberg, “FCC Policy Aiding Women Overturned: Appeals Court Rules,” *Washington Post*, August 24, 1985.

<sup>29</sup> “Used in Awarding FM Radio Licenses: FCC Women’s Preference Rule Barred,” *Los Angeles Times*, August 24, 1985, sec. Part IV.

Docket 84-231 passed, but Commissioner Henry Rivera, the first Hispanic to serve on the FCC, chastised his colleagues for giving preferences to daytime-only owners. He said:

With this new daytimer enhancement, it will be almost impossible for any newcomer — minority or non-minority — to prevail against a qualifying daytimer. This is because daytimers who qualify for the new enhancement — and that will number in the hundreds will also be entitled to a significant enhancement for local residents.

In combination, these two advantages will be unbeatable by almost any other applicant... Furthermore, the new daytimer enhancement will be especially disastrous in the ‘minority need’ communities. These cities, which represent approximately 25 percent of the allocations contained in this omnibus proceeding, were added by this Commission to the Table of Assignments because they have large minority populations and few or no minority-owned stations.

Now, because of this policy change, minority applicants will find it nearly impossible to win licenses in these cities — that’s because most (70 percent) have one or more daytimers who could be eligible for the new enhancement.<sup>10</sup> Had the daytimer enhancement been applied rationally — for example, to communities in which a daytimer is the only licensee<sup>11</sup> — there would have been little, if any, adverse impact upon these ‘minority need’ cities.<sup>30</sup>

The Spanish Radio Broadcasters Association of America, Inc. (SRBA) was in favor of “substantial” preferences to minorities.<sup>31</sup> However, they were worried about the “diversity demerit.” If a broadcaster already owned an AM station, they would have to promise to sell that station within three years. That daytimer would “receive a distinct comparative preference for the FM allotment... that was equal in weight to the preference awarded for minority ownership.”<sup>32</sup> SRBA also said its members were newcomers to the broadcast industry and “should be afforded

---

<sup>30</sup> See DISSENTING STATEMENT OF COMMISSIONER HENRY M. RIVERA RE: Second Report and Order in Docket 84-231 In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments, MM Docket No. 84-231, SECOND REPORT AND ORDER, Adopted March 14, 1985, 653.

<sup>31</sup> Matthew L. Leibowitz, Esq. to Commissioner James Quello, May 17, 1983, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

<sup>32</sup> “FCC Grants AM Daytimers 80-90 Preference,” *Broadcasting*, March 18, 1985.

the opportunity to develop additional ownership interests as have their Anglo broadcasting counterparts.”<sup>33</sup>

Quello, who was adamantly against Docket 80-90, changed his mind and voted in favor of Docket 84-231. He said communities would be better served if they had local service, and this rule made sure that occurred, as most of the 689 communities were in small towns or mid-sized cities. Quello was also concerned about the state of the industry. He told his fellow colleagues he surveyed six states and found that 40 percent of the radio outlets in these locations were not making any money. Quello quipped: “Well, [84-231] is going to give minorities a great opportunity to get in there and lose money.... Commissioner River [told me to give minorities that] opportunity anyway. That’s up to them, and so I guess we’re doing that.”<sup>34</sup>

Fowler struck a more optimistic tone. Even with daytimers receiving preference points, he said there would be a “leap in the number of minority-owned FM facilities.” But he added: “The real purpose of today’s order is not to benefit any class of potential licensees or to discourage anyone from applying.”<sup>35</sup>

Representative Tom Rogers (D-CO) spoke with Rivera about the preferences and was not pleased with the outcome. Rogers was in favor of helping minorities. Given the makeup of the Commission under Republican rule, Rogers said: “The FCC didn’t exhibit tremendous sensitivity

---

<sup>33</sup> Matthew L. Leibowitz, Esq. to Commissioner James Quello.

<sup>34</sup> Video Recording, “FCC Open Meeting,” March 1, 1984, Records of the Federal Communications Commission, Record Group 173 MEET-243, National Archives at College Park, MD.

<sup>35</sup> See STATEMENT OF CHAIRMAN MARK S. FOWLER RE: Implementation of Docket 80-90, Second Report and Order in Docket 84-231 In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments, MM Docket No. 84-231, SECOND REPORT AND ORDER, Adopted March 14, 1985,650.

to the interests of minorities.... But I do think it is a much better decision than otherwise might have been the case.”<sup>36</sup>

After the vote, Rivera and Fowler would clash publicly on issues related to increasing minority ownership; at its most basic level, they differed on ideology. Rivera stressed: “It’s simply a philosophical aversion to the notion of affirmative action.” Fowler maintained that affirmative action and giving special treatment to people “based on skin color” could be deemed unlawful by view of the Constitution.<sup>37</sup>

When Docket 80-90 was first adopted, Rivera sympathized with Fowler and said, this is “not an item that came easy for you and... I wanted to commend you for your effort and your soul searching; it certainly helped me in my analysis. And I appreciate it very much.”<sup>38</sup> Rivera might have been referring to Fowler’s sharp 13-page dissent against Nancy Waters, an African American woman in Michigan who received a minority preference for her powerful 100,000-watt station. Fowler said Waters should not receive the extra points because her station was in a predominately White neighborhood.<sup>39</sup> Attorneys and proponents of increasing minority ownership would remember Fowler’s actions for decades to come. At a minority ownership conference in 1990, NABOB president Jim Winston pointed out that Fowler’s dissent was the first time any FCC Commissioner had taken such a stance. Winston explained: “[Fowler] described the minority ownership policy [and] comparative hearing preference as reverse

---

<sup>36</sup> “FCC Grants AM Daytimers 80-90 Preference,” 27.

<sup>37</sup> Reginald H. Stuart, “F.C.C. Accused on Minority Issue,” *New York Times*, May 23, 1985, C25.

<sup>38</sup> Video Recording, “FCC Open Meeting,” May 26, 1983, Records of the Federal Communications Commission, Record Group 173 MEET-219, National Archives at College Park, MD.

<sup>39</sup> The Associated Press, “Court OKs Award of FM Station to Black,” *Atlanta Constitution*, May 26, 1984.

discrimination, as unconstitutional.” Gone was the congeniality displayed between Rivera and Fowler during the initial Docket 80-90 vote. The hopes that emerged in 1977 to increase minority ownership by this time had dimmed. However, there was great excitement about Docket 80-90.

#### 6.1.2 Docket 84-231: 689 Locations

Mark Lipp and the Mass Media division were responsible for handling the distribution of the new Docket 80-90 allotments.<sup>40</sup> Utilizing computer technology, which was still a novel concept in the early 1980s, the FCC hired Decision-Service Applications (DSA), Inc.<sup>41</sup> to aid in selecting the drop-in locations for Docket 80-90. The Commission presented DSA with a list of 3,000 possible locations.<sup>42</sup> Considering the preference requirements (first local service, first fulltime local aural service, minority service or public radio service), that number was whittled down to 1,400 communities and eventually 684. If a potential broadcaster wanted to suggest a location not listed, they could submit a counterproposal to request it. However, the place they chose had to meet certain technical requirements, and the submission needed to include a declaration saying they had a desire to apply for a channel.<sup>43</sup> If more than one person submitted a counterproposal for a channel, it had to meet at least one of the requirements in Docket 80-130

---

<sup>40</sup> Lipp, discussion.

<sup>41</sup> Federal Communications Commission, Agenda Item, January 23, 1984, Minutes of Meetings 1971-1989, Record Group 173 UD-06W/3, box 1, Minute #49-A-84 March 1, 1984, Commission Open Meeting (Policy), 1.

Federal Communications Commission, Commission Open Meeting MM, Minute #287-A-84 December 19, 1984, Record Group 173 UD-06D 3, Minutes of Meetings, 1971-1989, FRC box 8, National Archives at College Park, MD.

<sup>42</sup> Federal Communications Commission, Agenda Item, January 23, 1984.

<sup>43</sup> Federal Communications Commission, Agenda Item, January 23, 1984, 3.

(e.g., first radio station in the area, etc.) The computer would make the determination if further conflicts arose. The FCC also asked people to contact the bureau by mail if they planned to apply for one of the selected channels.<sup>44</sup> If no one expressed an interest in a location, the area was deleted from the list. According to McKinney, this was “the largest single increase in the assignment of radio spectrum” by the FCC.<sup>45</sup> Marty Blumenthal, assistant policy and rules chief, said the FCC would receive thousands of counterproposals—maybe 7,000,<sup>46</sup> but Lipp said they only received about 200 eligible submissions. Another 140 had to be discarded because they did not meet the specified requirements,<sup>47</sup> and 80 locations were removed from the original list of 200.<sup>48</sup> When the Mass Media Bureau released the second list of locations on July 23, 1984, two more locations were added to bring the number of locations to 686.<sup>49</sup> The public was asked to provide feedback and had until August 22, 1984 to do so.<sup>50</sup> In December of that year, the FCC adopted the final list with 689 communities.<sup>51</sup> In addition to listing the locations, the following numerical values were assigned to the preferences:

First aural service: 4

---

<sup>44</sup> “1200 New FMs: Docket 80-90 FM Floodgates Open In March,” *R&R: Radio and Records*, no. 521, February 17, 1984, 4.

<sup>45</sup> Jeanne Saddler, “Agency Proposes FM Radio Stations In 684 Communities,” *Wall Street Journal*, March 2, 1984, sec. 1, 8.

<sup>46</sup> “1200 New FMs.”

<sup>47</sup> “Washington Watch: Docket 80-90 Communities Due Out This Week,” *R&R: Radio and Records*, no. 543 (July 20, 1984), 4.

<sup>48</sup> “80-90 Communities Due out This Week.”

<sup>49</sup> Increase Availability of FM Stations; Establishment of Reply Comment Period, 49 Fed. Reg. 154, (August 8, 1984), 31720.

<sup>50</sup> Increase Availability of FM Stations; Establishment of Reply Comment Period.

<sup>51</sup> “Docket 80-90’s 689 New FM Opportunities,” *Broadcasting*, December 31, 1984, 689.



Second aural service: 3  
First local service: 3  
First fulltime local service: 2  
Minority service: 2  
Public radio service: 2

Minority service would only receive two (2) preference points. NABOB suggested that minority service and first aural service receive equal standing “in order to give adequate weight to minority service and ownership.”<sup>52</sup>

NBMC argued minority service and public radio should receive three (3) points; first aural service should receive two (2). Their rationale—this would “increase the likelihood of minority service.” Meanwhile, a recommendation was made to set aside specific locations for minorities.<sup>53</sup> The Commission determined consideration should be decided during the comparative hearing process. Even if the counterproposal did not specifically address “minority service,” it was not disqualified from consideration.<sup>54</sup> In response to the feedback, the FCC said it has always given more preference to “first local service;” furthermore, “as proposed, other criteria including communities with daytime only-AM stations and those with minority or public radio needs have been singled out for consideration according to their populations.”<sup>55</sup>

One more item to note: in the MOO for Docket 84-231 released in 1986, NBMC asked the FCC to reconsider the daytimer preferences again. NBMC argued that the daytimer preferences reduced or eliminated opportunities for minorities to receive such licenses in part

---

<sup>52</sup> In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments MM Docket No. 84-231 First Report And Order, December 19, 1984, 1335.

<sup>53</sup> In the Matter of Implementation of BC Docket No. 80-90.

<sup>54</sup> In the Matter of Implementation of BC Docket No. 80-90, 1335.

<sup>55</sup> In the Matter of Implementation of BC Docket No. 80-90, 1335-1336.

because of the daytime preference communications. NBMC felt the same was true for public radio entities. In its reply comments, the NBMC wrote that the FCC's actions "unconstitutionally favored non-minorities over minorities."<sup>56</sup> In what seemed like an insult, the Commission replied it felt it "struck the correct balance" in order to choose "the comparatively superior applicant."<sup>57</sup> The response was in the minutes and was signed by McKinney, who was chief of the Mass Media Bureau. McKinney would eventually leave the FCC and serve as deputy assistant to President Reagan and Director of the White House Military Office.<sup>58</sup>

### 6.1.3 Docket 80-90: Training Seminars

While the FCC was hammering out the details for when, where, how, and to whom the licenses would go, the FCC, NTIA, and Minority Business Development Agency (MBDA) were holding workshops across the country to educate minorities on the ins and outs of broadcast ownership. Although most of the Docket 80-90 locations were in small towns, the training seminars were held in large metropolitan areas with substantial minority populations such as Atlanta,<sup>59</sup> Dallas,<sup>60</sup> Miami,<sup>61</sup> and Washington, DC. The seminar "Minority Ownership of New

---

<sup>56</sup> In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments, Memorandum Opinion and Order, Minute #39-A-86, February 10, 1986, Commission Circulation (MM), Group 173-90-20 box 2, National Archives at College Park, MD, 4

<sup>57</sup> Federal Communications Commission, Agenda Item, January 3, 1986, Minute #39-A-86; See also, Federal Communications Commission, Agenda Item, January 23, 1984, Minutes of Meetings 1971-1989, box 1, Minute #49-A-84 March 1, 1984, Commission Open Meeting (Policy), National Archives at College Park, MD.

<sup>58</sup> Appointment of Deputy Assistant to President Reagan and Director of the White House Military Office, June 16, 1987, <https://www.reaganlibrary.gov/archives/speech/appointment-james-c-mckinney-deputy-assistant-president-and-director-white-house>.

<sup>59</sup> Keith Herndon, "Few Blacks Own Radio, TV Stations," *Atlanta Journal*, October 3, 1984.

<sup>60</sup> "Minority Broadcasting," *Fort Worth Star-Telegram* (Wichita, TX), October 11, 1984.

<sup>61</sup> "Broadcast Seminar for Minorities," *Miami News*, April 25, 1985.

Broadcasting Stations” was held in Chicago on June 28, 1984. It was co-sponsored by the National Association of Broadcasters (NAB), Broadcast Capital Fund, the National Radio Broadcasters Association (NRBA) and NBMC. According to the newspaper blurb publicizing the event, “special emphasis” would be given to “FCC Docket 80-90.” Commissioner Rivera and his legal assistant Ben Perez<sup>62</sup> were the guest speakers at a similar seminar in Los Angeles titled “Getting Into the Business of Broadcast Ownership.”<sup>63</sup> Rivera told the 50 or so African Americans, Asians and Hispanics in attendance that come January 1985, the FCC would start dropping in new radio stations on the FM dial.<sup>64</sup> He said there would be 800 new stations and women and minorities would probably be selected for “most of them.”<sup>65</sup> The number he cited was higher than the figure released by the agency because, according to Rivera, engineers realized more even more stations could be added across the country.<sup>66</sup>

Docket 80-90 was the topic of discussion at the Great Lakes Radio Conference at Central Michigan University on April 27, 1985.<sup>67</sup> The guest speaker for the event, an FM radio station owner, was not impressed with the new rule and was quoted in the local paper saying, “No existing broadcaster in anxious to see [an influx of new stations.]”<sup>68</sup> A few days later, at NAB’s

---

<sup>62</sup> Neill Borowski, “The FCC Is Trying to Channel Stations to Minorities,” *Philadelphia Inquirer*, December 24, 1984.

<sup>63</sup> Dennis McDougal, “FCC Plans More FM Minority Stations,” *Los Angeles Times*, December 11, 1984, sec. Orange County.

<sup>64</sup> Dennis McDougal, “FCC Plans More FM Minority Stations.

<sup>65</sup> Dennis McDougal, “FCC Plans More FM Minority Stations, E1.

<sup>66</sup> Dennis McDougal, “Hawthorne Could Get FM Station,” *Reno Gazette-Journal* (Reno, NV), December 24, 1984.

<sup>67</sup> “Radio Exec Fears Industry’s Lack of Innovation,” *Detroit Free Press*, April 27, 1985.

<sup>68</sup> “Radio Exec Fears Industry’s Lack of Innovation,” 35.

63rd Annual Convention in Las Vegas, the daytime-only broadcasters spent a great deal of time talking about how the new rule would impact their efforts to own an FM station. During the panel session, “Radio Allocations Through the ’80s and ’90s,” an attorney, an engineer, and two FCC representatives fielded questions for 75 minutes about the new rule. Most of the queries were about daytimer preferences, or “credits,” which is what the moderator of the event chose to call them.<sup>69</sup> Attendees were also warned to be wary of shoddy work. “Don’t be suckered in by people who are proposing your quick and dirty engineering solutions”<sup>70</sup> one of the panelists said during the discussion on submitting an application to the FCC.

A similar refrain was made by Rivera at the “Minority Broadcast Management and Ownership Seminar”<sup>71</sup> hosted by Syracuse University and sponsored by NAB and venture capitalist BROADCASTCAP. During the four-day event, 55 people of color from 14 states<sup>72</sup> discussed Docket 80-90 and other broadcast ownership opportunities. Rivera warned participants to “do everything you can to educate yourself as to the risks involved.”<sup>73</sup> Those warnings were a harbinger of things to come.

---

<sup>69</sup> National Association of Broadcasters (NAB) records, 0017-MMC, NAB Audio Tapes, Tape 1 R26, “Radio Allocations Through the ‘80s and ‘90s,” Special Collections and University Archives, University of Maryland, College Park, MD.

<sup>70</sup> “Radio Allocations Through the ‘80s and ‘90s.”

<sup>71</sup> “Minority Ownership Issues Explored at Syracuse Conference,” *Broadcasting* 109, no. 6 (May 8, 1985), 70.

<sup>72</sup> “Minority Ownership Issues Explored.”

<sup>73</sup> “Minority Ownership Issues Explored,” 72.

#### 6.1.4 Application Stampede

Once Docket 80-90 was implemented, FCC officials expected to be inundated with applications for the new FMs. Engineers and attorneys anticipated “a stampede” of clients and were hoping “to get swamped with as many [clients] as [they] could handle.”<sup>74</sup> In preparation of the increased workload, Fowler asked Congress for 23 more employees and an additional \$566,000.<sup>75</sup> The FCC cracked down on the application process and threw out the ones that were incomplete or were missing vital information.<sup>76</sup> Dale Bickel was hired in 1989 to help process the applications that were submitted for the allotments. His task was to review the technical aspects of the proposals that were submitted.<sup>77</sup> By this time he arrived, there was a backlog of 2,800 applications.<sup>78</sup>

The Docket 80-90 frequencies were released in blocks and were chosen based on location, community size, and channel number.<sup>79</sup> Interested parties had 30 days to submit an application during a period known as a “filing window”<sup>80</sup> or “window.”<sup>81</sup> The first window was released in 1985.<sup>82</sup> Throughout the entire process, the windows were staggered in order to

---

<sup>74</sup> “High Hopes for 80-90,” *Broadcasting* 108, no. 10 (March 11, 1985), 31.

<sup>75</sup> “1200 New FMs.” See also, Senate Hearings Before the Committee on Appropriations Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Fiscal year 1985, 98<sup>th</sup> Congress Second Session.

<sup>76</sup> Harry A. Jessell, “FCC Wants to Ease Application Rules,” *Broadcasting*, November 18, 1991.

<sup>77</sup> Dale Bickel, “Email Message to Author,” May 19, 2021.

<sup>78</sup> Jessell, “Application Rules.”

<sup>79</sup> Second Report and Order, In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments (MM Docket No. 84-231), 50 Fed. Reg. 76 (adopted March 14, 1985), 15559.

<sup>80</sup> “FM License Available.”

<sup>81</sup> *Communications Daily*, May 10, 1985.

<sup>82</sup> Public Notice, NOTICE OF RANDOM SELECTION OF FM CHANNELS, May 8, 1985,

alleviate a backlog of applications.<sup>83</sup> Lipp contends, these measures were chosen to adhere to Communications Act of 1934,<sup>84</sup> which authorized the FCC to “make such distributions of licenses, frequencies, hours of operation, and power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.”<sup>85</sup>

Assembling an application package took patience and a keen attention to detail. Finding a good engineer was paramount and could cost a few thousand dollars.<sup>86</sup> Engineer Clarence Beverage says business was brisk for engineers during this time because people were trying to find new places to build radio stations. In fact, he says there was almost too much work—not just for him but for the attorneys, too. He has worked in every state and Puerto Rico.<sup>87</sup> First, the engineer would conduct an allocation study, which he explains was a terribly slow process in part because of the dial up modem and phone line used to connect with a computer in Washington, DC. Relying on one of several firms that had databases, the study would be run on the computer and sent back via the phone line. He thinks back to the stories of engineers who lacked access to that technology. He says:

When they filed an application for a new station, they would do everything on paper. Draftsmen were typically employed to draw maps for the FCC. At any rate, the engineer would have to show the FCC that where you were going to put your new tower would not cause interference. Then, the engineer would work with the attorney to prepare an

---

<sup>83</sup> “High Hopes for 80-90.”

<sup>84</sup> Lipp, discussion.

<sup>85</sup> As quoted in Docket 80-90, See footnote 8, Section 307(b) of the Communications Act of 1934, as amended; 47 U.S.C. §307(b).

<sup>86</sup> Erwin G. Krasnow et al., *Applying for the New FM Station Allocation: A Planning Guide for Potential Applicants for the New FM Channels Being Made Available in 684 United States Cities* (Washington: Federal Communications Commission, 1984).

<sup>87</sup> Clarence Beverage (president, Communications Technologies, Inc.) in discussion with the author, May 3, 2022.

application for a construction permit, which is what was needed to build the new Docket 80-90 FM radio station.<sup>88</sup>

## 6.2 The Comparative Hearing Process

Comparative hearings were used to manage competing applications, and they were presided over by an administrative law judge (ALJ). According to Winston, “You had to demonstrate why your application was a better fit for the FCC’s criteria.” The winner was awarded a construction permit which was needed to build the radio station. Honig explains: “Once it’s built out, you do program tests. Then you report back to the Commission and they... issue you a license, and then you’re in business.”<sup>89</sup>

Comparative hearings were oftentimes lengthy and expensive. Winston sheds light on this: “The legal fees were astronomical and as a result, many, many minority companies dropped out before the process was ever finished.” He goes so far as to call it “a free-for-all” and says you could have “19 different people all trying to show what was wrong with your application and why their application was better.”<sup>90</sup> According to attorney Robyn Nietert, comparative hearings produced an inordinate amount of work for lawyers. Each comparative hearing “was like a mini trial.”<sup>91</sup> Winston gives this example:

Imagine if you have a trial between the plaintiff and the defendant as in a typical court case. You get two parties fighting. In a comparative hearing, you have seven party

---

<sup>88</sup> Beverage, discussion.

<sup>89</sup> David Honig (attorney, co-founder, Minority Media and Telecommunication Council) in discussion with the author, April 4, 2021.

<sup>90</sup> Indiana University, Archives of African American Music and Culture (AAAMC), Black Radio: Telling It Like It Was, circa 1920s-1997, bulk 1991-1995, SC 39, Jim Winston W., DAT 193.

<sup>91</sup> Robyn Nietert (attorney) in discussion with the author, November 22, 2022.

fighting against each other. So, it's much, much worse than a two-party courtroom trial. It's a seven-party battle royale.<sup>92</sup>

If changes occurred in your life, before the entire process ended, you would have to explain those changes and start the court process all over again. "The answer to the question was always a moving target, and you always had a target on your back if you were the applicant," said Winston.<sup>93</sup>

The decision to hold comparative hearings was made in the 1970s shortly before the FCC adopted the minority certificate policy. Winston says, "The United States Court of Appeals told the FCC that they must take account of and give positive consideration to ownership of licenses by minorities when they were granting new licenses."<sup>94</sup> The enhancement credits were given to companies controlled by minorities. According to Honig, the Commission "struggled for years and years trying to decide what the criteria are and how you apply them."<sup>95</sup>

The majority of the competitive hearings took place in the most desirable markets where there was the likelihood for the greatest financial potential. There might be 20 or 40 applicants vying for the same location. Winston explains the timely process this way:

Each applicant has created a company. They have hired an engineer to prepare the engineering portion of their application, an FCC attorney to prepare legal portions of the application, they filed the application that's probably cost him \$2,500.

About six months later, the FCC issued an order that says we have 20 applicants for this frequency. Our policy is to go through a comparative hearing to decide which applicant will receive the license. In a comparative hearing, we give preference for female ownership, minority ownership, local ownership and integration of ownership into day-to-day operations, so that the strongest application would be one that might be a minority

---

<sup>92</sup> Winston, discussion.

<sup>93</sup> Winston, discussion.

<sup>94</sup> Indiana University, Jim Winston W., DAT 193.

<sup>95</sup> Honig, discussion.



woman who is a local, who owns 100 percent of the company and is going to go to the station and work full time.

You are able to get the maximum credits... for your application. Of the 20 applicants, you might get two or three [who meet all the criteria or maybe one application is from a White woman]. Men, they did not even put their names on an application for an 80-90 [application].<sup>96</sup>

If your application was challenged, it could take months or years to resolve.

He says it was common for a wife to claim a majority stake in the company—51 percent and the husband 49 percent. According to Winston, the FCC did not review all applicants and select the one with most points. Instead, they invited all 20 applicants to the comparative hearing. He says usually half of the applicants would drop out, sometimes more, so you would enter the hearing with six or seven applicants.<sup>97</sup>

According to media law attorney Barry Skidelsky, comparative hearings were better “in theory than in practice. Because in the end, what often happened was whoever was the ultimate winner ended up selling the station, either immediately or shortly thereafter. This just wasn’t economically viable.”<sup>98</sup>

### 6.3 *Insane Costs: Benjamin Davis*

Winston says these hearings were a field day for communications lawyers: “I am sure they sent a lot of children to nice schools and colleges.”<sup>99</sup> In fact, engineers and others at the 63rd NAB national conference joked that the comparative process paid for their kids’ college

---

<sup>96</sup> Indiana University, Jim Winston W., DAT 193.

<sup>97</sup> Winston, discussion.

<sup>98</sup> Barry Skidelsky (attorney) in discussion with the author, July 12, 2022.

<sup>99</sup> Jim Winston, Jim Winston W., DAT 193.

education.<sup>100</sup> But people looking to win a building permit for one of the Docket 80-90 stations lost plenty of money. Famed NFL cornerback Benjamin Davis went through the comparative hearing process twice for two Docket 80-90 frequencies. He did not win either one and opted to settle because of the “horrendous legal bills.”

It cost him \$100,000 for each attempt, which was a lot of money back in the late 1980s. He adds, “You still had to buy the equipment to go on the air.”<sup>101</sup> However, the cost of a comparative hearing was sometime double or quadruple the amount Benjamin Davis had to pay. Winston concedes: “Many of the minority companies that applied in Docket 80-90 didn’t have the money to fight the hearings. You had hearings that could cost \$200-, \$300- \$400,000 in legal fees. For most minority companies, they had to bail out.”<sup>102</sup>

Winston also emphasizes:

If the judge ruled in favor of ‘Company X,’ the other applicants had the right to appeal. So, you might be caught up in the hearing process for three, four, or five years. And then you have to have another \$100,000 to actually build the station, and you need money to operate it—before you ever start making any money.

Benjamin Davis remembers two lawyers approaching him and saying: “Find me a Black female (women earned more preference points than Black men) in the communications business, and I’ll make her rich.” The lawyers saw an opportunity to make money as well.

Benjamin Davis does not regret his experiences. He says Docket 80-90 was a “good initiative by the FCC. It was a good idea to go across the nation and find the spots where you

---

<sup>100</sup> “Radio Allocations Through the 80s and 90s,” Tape 1 R26, National Association of Broadcasters, 63rd Annual Convention, Tuesday, April 16, 1985; NAB Audio Tapes FM Allotments 1985 8090, Special Collections, University Archives, University of Maryland, College Park, MD.

<sup>101</sup> Benjamin Davis (former owner, KOKL) in discussion with the author, November 18, 2021.

<sup>102</sup> Winston, discussion.

could put a radio station and award it with Black consideration.”<sup>103</sup> He eventually ended up owning an FM radio station in Okmulgee, OK. It was not a Docket 80-90 station but was a small Class A 3,000-watt station that he was able to upgrade to a much stronger 50,000-watt signal that reached all the way to Tulsa (about 40 miles away). He owned and operated the station for five years. The format: classic rock. Because his signal was not strong enough to reach the northern portion of Tulsa, an R&B format would not be profitable in his listening area. Not only that, but the value Arbitron placed on an urban format was 20 percent less than one programmed for classic rock. He gives this example:

The Black formats were depreciated in terms of how much money Arbitron rating could generate. That eliminated ... [your prospects] right there. If PepsiCo saw what your ratings were and that you were blowing the market away, they still wouldn't give you the same amount of money for advertising as they would for a White radio station with similar ratings.<sup>104</sup>

The same issues discussed at the Minority Broadcast Ownership Meeting in 1977 were still concerns in 1989.

#### 6.4 Shady Tactics

Honig had a client who hired a private investigator to disqualify the competing applicant, but “more often, they were hired to knock off my client.” He continues, “You would look at whether they had been bankrupt, or whether they had been accused of misrepresenting the facts to another agency, such that the Commission would look at this as predictive of whether they would misrepresent facts to it.” Other questions included: “Was there any securities fraud? Did they have a criminal record that would impact their ability to operate a radio station?” Honig

---

<sup>103</sup> Davis, discussion.

<sup>104</sup> Davis, discussion.

says if you told untruths to the FCC, but the case had not been tried, “You withdrew your application and applied to another community or backed another applicant.”<sup>105</sup>

FCC officials hoped comparative hearings would deter sham submissions by the “application mills.”<sup>106</sup> That did not happen. Hundreds (possibly thousands) of people were scammed out of millions.

### 6.5 Application Mills and Thomas L. Root

On November 14, 1986, the FCC received a neatly typed postcard from W.J. Whitfield of Winston Salem, NC. Whitfield asked the agency: “How much money does the FCC charge an individual or representative of individuals to file for one of the 700 new FM radio stations being released under Docket 80-90?”<sup>107</sup> Whitfield explained he hired Sunrise Management Services to help him file an application for one of the new Docket 80-90 stations. Initially, Sunrise told Whitefield that the application fee would be \$75,000, but that price increased to \$90,000. Sunrise claimed they had no choice but to raise their fees and blamed the FCC for the price hike saying “It’s not us doing it.” Whitefield was being severely overcharged. In 1986, the application fee for a construction permit was \$1,800.<sup>108</sup> The fee for a license was \$1,000.

According to Docket 80-90 expert and former NAB general counsel Erwin Krasnow, the average price to build a station in a mid-size market at the time ranged from \$250,000 to

---

<sup>105</sup> Honig, discussion.

<sup>106</sup> “High Hopes for 80-90.”

<sup>107</sup> W.J. Whitfield to Dear Madam or Sir, November 14, 1986, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 3 box 18, National Archives at College Park, College Park, MD.

<sup>108</sup> Margo Marocco, “FCC Approves Royal Center Site For FM Station,” *Logansport Pharos-Tribune* (Logansport, IN), March 19, 1987.

\$500,000.<sup>109</sup> Attorney Frederick A. Polner likened the price to opening a small business.<sup>110</sup> The whole process could be exhausting for someone not intimately familiar with the industry. Hiring someone to complete the application and guide it through the system from start to finish seemed like a good idea. However, Sonrise was charging people up to \$100,000 for “one-stop shopping.” They found the engineer, the attorney, and took care of all the entire process.<sup>111</sup>

Over a period of four years, Sonrise bilked \$16 million out of people looking to start radio stations<sup>112</sup> and \$9 million from people wanting to own cell phone systems.<sup>113</sup> The company was started by Ralph Savage, PhD, founder and president of Chattahoochee Valley Community College<sup>114</sup> and Eugene White. The two men sold Amway and decided to go into business together on Easter Sunday, 1985.<sup>115</sup> They were driving home to Georgia from an out-of-state meeting when they pulled over to park and pray. Noticing the beautiful sunrise in the distance, they chose to name their company Sonrise, but with an “o,” for Son of God. Their logo was replete with a cross,<sup>116</sup> and their tagline was “Management with a Christian Ethic.”<sup>117</sup>

---

<sup>109</sup> Krasnow et al., *Applying for the New FM Station Allocation*, 18.

<sup>110</sup> Marocco, “FCC Approves Royal Center Site.”

<sup>111</sup> “Root/Sonrise Radio Deals Surface in Wake of Bizarre Air Crash,” *R&R: Radio and Records*, July 21, 1989.

<sup>112</sup> “Root/Sonrise Radio Deals.”

<sup>113</sup> Richard Whitt and Gail Espstein, “Georgia Firm Quickly Made Millions, But Dream Falls with Mystery Crash,” *Atlanta Constitution*, July 23, 1989.

<sup>114</sup> Eileen Zaffiro, “The Savage Death: Savage Dies of Gunshot,” *Ledger-Enquirer* (Columbus, GA), January 30, 1993.

<sup>115</sup> “Savage Has Friday Court Date Clint Claybrook,” *Ledger-Enquirer* (Columbus, GA), August 27, 1992.

<sup>116</sup> Whitt and Espstein, “Georgia Firm Quickly Made Millions.”

<sup>117</sup> HJ, PDL, “TOP OF THE WEEK: Tom Root, Sonrise and the 80-90 Fast Track,” *Broadcasting*, July 24, 1989, 31.

Savage and White traveled the country promoting their business and eventually began referring their clients to Thomas Root, an attorney out of Alexandria, VA. The three men scammed more than 1,000 North Carolinians alone out of money.<sup>118</sup> Ervin Hester, the first African American TV anchor in the Southeast<sup>119</sup> invested in 13 licenses.<sup>120</sup> He lost his money and hope after his dealings with Sonrise and Root. Hester, who also worked in radio, lamented: “I spent eight and a half years working for a station that was White-owned. I was in sales, sports, programming— I did everything but carry the money home.”<sup>121</sup> Of Docket 80-90, he said, “This thing is tailor-made for me.” He was adamant that it was “a great opportunity for African Americans.”<sup>122</sup> Millard Owen III and Wayne Weeks, two White gospel singers,<sup>123</sup> invested in FM stations in New Mexico, Virginia, and California.<sup>124</sup> They gave a total of \$10,000 to Sonrise and Root. Owen and Weeks and also told their friends about Docket 80-90. Their friends invested money as well and lost most of it to Sonrise and Root.<sup>125</sup>

---

<sup>118</sup> “Friends, Faith Turned Against Investigators in Sonrise,” Greensboro News and Record, Accessed August 30, 2021, [https://greensboro.com/friends-faith-turned-against-investors-in-sonrise/article\\_d131e949-3582-5f51-91fb-a2cf8a07bffe.html](https://greensboro.com/friends-faith-turned-against-investors-in-sonrise/article_d131e949-3582-5f51-91fb-a2cf8a07bffe.html).

<sup>119</sup> ABC11.com, “‘He Saw It as a Calling:’ How ABC11’s Ervin Hester Made History,” February 8, 2021.

<sup>120</sup> Rachel Buchanan, “Mayor Did Business with Pilot,” *News and Observer* (Raleigh, NC), July 16, 1989.

<sup>121</sup> Brigitte Rouson, “Changing Channels: People of Color Pushed to Buy TV and Radio Stations During the 1980s. So Why Are the Media Still so White?,” *Southern Exposure: A Journal of Politics and Culture* XX, no. 4 (Winter 1992), 18–21.

<sup>122</sup> Rouson, “Changing Channels,” 21.

<sup>123</sup> “Friends, Faith Turned Against Investigators in Sonrise.”

<sup>124</sup> Wayne Weeks in discussion with the author, September 6, 2022.

<sup>125</sup> “Friends, Faith Turned Against Investigators in Sonrise.”

### 6.5.1 Root Falls from Grace

By all appearances, Sonrise and Root were getting away with their investment scheme. Savage and White were living a very lavish lifestyle replete with “palatial homes side by side outside Phenix City, AL. They bought cars, planes, furs, and diamond rings”<sup>126</sup> until things literally came crashing down on them. On July 13, 1989, Root was scheduled to appear in court in Rocky Mount, NC to face charges that he falsified Federal Aviation Administration (FAA) records he submitted to the FCC. Root told the FCC he had permission to build a transmitter tower when, in fact, he did not.<sup>127</sup> He left Reagan National Airport piloting his Cessna 210 en route to North Carolina but somehow ended up flying six hours south and crashing into the ocean off the coast of the Bahamas. According to journalists Dana Priest and Stephen C. Fehr, Root’s flight was on autopilot and out of gas when it plunged into the ocean. Root placed a distress call early in the flight and was being “tracked by 19 aircraft from 13 Army, Coast Guard, Air Force, Navy and Marine Corp installations from four states.” Rescuers found him unconscious with a gunshot wound in his abdomen.<sup>128</sup> When they pulled him from the sea, Sallie James and Dana Banker say he told his rescuers: “Gosh, I’m glad to see you.”<sup>129</sup> After Root’s surgery to remove

---

<sup>126</sup> Whitt and Espstein, “Georgia Firm Quickly Made Millions.”

<sup>127</sup> Dana Priest and Stephen C. Fehr, “Crash Into Sea Culminated Pilot’s Pattern of Problems,” *Washington Post*, July 23, 1989.

<sup>128</sup> Priest and Fehr, “Crash Into Sea.”

<sup>129</sup> Sallie James and Dana Banker, “FLIGHT SURGEON SUGGESTS ROOT WAS SHOT BEFORE TAKING TRIP,” July 21, 1989. Sun-Sentinel.com, accessed August 22, 2021, <https://www.sun-sentinel.com/news/fl-xpm-1989-07-21-8902220014-story.html>.

the bullet, he told authorities he could not remember what happened, including how he was shot by “the .32 caliber Smith and Wesson revolver he kept in glove compartment.”<sup>130</sup>

On the day of his crash, Root was supposed to meet Gary Smithwick, the attorney who filed the first petition with the FCC that set Docket 80-90 in motion. Smithwick was taking a deposition of the bank manager who was going to loan one of Root’s clients the money to finance a radio station. Smithwick was waiting in the law office conference room with the courtroom when he was told, “Tom was on a single engine airplane, passed out, unconscious and the plane was heading for the Bahamas.” Smithwick remembers: “The only time I was on the front page of the *Washington Post* was because of Thomas Root. I tried to conduct my law practice and my life so I would never show up on the front page of the *Washington Post*, and one Sunday morning, there I was.”<sup>131</sup> Smithwick says Root was “a pretty good lawyer” until he started dealing with Sonrise. This opinion of Root was held by other attorneys but changed. Eventually, his disorganization infuriated his colleagues.<sup>132</sup> Former attorney Lee Shubert and Root saw each other frequently in DC because they had competing applicants applying for the same facility. Shubert says Root always seemed to take the “‘dog ate my homework’ approach” before the judge. Shubert explains, Root “was never quite prepared. He was a nice guy, very personable, but he was always a day late and a dollar short with whatever he had to do.”<sup>133</sup>

Niertert points out: “Sonrise was receiving legitimate applications from people

---

<sup>130</sup> Priest and Fehr, “Crash Into Sea.”

<sup>131</sup> Smithwick, discussion.

<sup>132</sup> Priest and Fehr, “Crash Into Sea.”

<sup>133</sup> Lee Shubert (retired attorney Sciarrino & Shubert PLLC) in discussion with the author, October 8, 2021.



who were sincere about running a radio station.”<sup>134</sup> Out of the 165 or so applications Sonrise filed with the FCC, only four or five were awarded licenses.<sup>135</sup> Root was the attorney for about 160 of them.<sup>136</sup> None of the stations was ever built or signed on the air.<sup>137</sup> Neiert practiced telecommunications law at the time and says attorneys around DC were getting calls for help from some of Roots clients who were looking for new representation.<sup>138</sup> She ended up retaining a few of them. Thinking back to that time, she is amazed that anyone thought they “could handle such a large number of comparative proceedings.” She continues: “It’s illogical. It doesn’t make any sense. It was a ridiculous amount of work.”<sup>139</sup> Honig says Root and Sonrise had 62 sham applications. He explains: “These hearings kept getting designated against Root’s applicants [so] he would withdraw their application and proceed somewhere else and hope that eventually one of them would win something because they’d be the only one left standing.”<sup>140</sup> Sonrise was supposed to pay Root a predetermined amount for filing the applications and another amount if the application was selected for the comparative hearing. According to Smithwick, Sonrise stopped paying Root, so Root in turn stopped attending the hearings.<sup>141</sup>

---

<sup>134</sup> Neiert, discussion.

<sup>135</sup> Whitt and Espstein, “Georgia Firm Quickly Made Millions, But Dream Falls with Mystery Crash.”

<sup>136</sup> “Root/Sonrise Radio Deals Surface.”

<sup>137</sup> Zaffiro, “The Savage Death: Savage Dies of Gunshot.”

<sup>138</sup> Neiert, discussion.

<sup>139</sup> Neiert, discussion.

<sup>140</sup> Honig, discussion.

<sup>141</sup> Smithwick, discussion.

Smithwick says most of Root's clients were Christians. *R&R* magazine obtained a confidential memo written by Root listing all the applications filed by Sonrise. There were 177 companies from 31 states listed with names that pointed to a Christian affiliation such as "Good News LP, Sanctified FM LP, Trinity FM LP, Peace FM LP, Glory FM LP, Holy Spirt FM LP and Holy Hands FM LP."<sup>142</sup> The surnames of other companies listed hinted at minority ownership: Diaz, Jimenez, Lopez and Muhammad; and some of the first names pointed to women: Vickki, Jennifer, Carol, Rosario and Ruth. Hester's Louisburg FM Radio LP was cataloged. After the incident, Hester felt like he had been shunned and would never be able to get a station. The FCC eventually began dismissing Sonrise applications without any real cause.<sup>143</sup>

Sonrise sued Root. Root's clients sued him too. He was eventually disbarred and sentenced to 15 years in a Florida prison, 15 years in a North Carolina prison and 33 months in federal prison. His charges include but were not limited to counterfeiting, forgery,<sup>144</sup> fraud (organized and securities), racketeering, and conspiracy.<sup>145</sup> White was sentenced to 17 years in prison.<sup>146</sup> Before Savage could officially be sentenced to 17 years in prison, he committed suicide.<sup>147</sup>

---

<sup>142</sup> "EXCLUSIVE: Sonrise Partnership Chart," *R&R*, July 21, 1989, 6.

<sup>143</sup> "FCC Procedures in Sonrise Probe Questioned by Parties Involved," *Broadcasting*, September 4, 1989.

<sup>144</sup> Stephen C. Fehr, "Mystery Pilot Gets 33 Months in Fraud Case," *Washington Post*, January 18, 1992.

<sup>145</sup> "AROUND THE REGION: Pilot Thomas Root Gets 15-Year Term For Florida Fraud," *Washington Post*, June 25, 1992.

<sup>146</sup> "MAN PLEADS GUILTY TO FRAUD; LOST PILOT TOOK PART IN SCAM," Greensboro News and Record, accessed August 22, 2021, [https://greensboro.com/man-pleads-guilty-to-fraud-lost-pilot-took-part-in-scam/article\\_78b729a1-7526-5f13-9b3e-0555ceb426f4.html](https://greensboro.com/man-pleads-guilty-to-fraud-lost-pilot-took-part-in-scam/article_78b729a1-7526-5f13-9b3e-0555ceb426f4.html).

<sup>147</sup> Zaffiro, "The Savage Death."

Not all firms used outwardly deceptive practices to attract business. However, some tactics were a bit misleading. Broadcasting firm Sterling Communications posted ads or what appeared to be newspaper articles about the new Docket 80-90 frequencies in almost every town slated to get a new station. For example, almost identical notices were found in newspapers servicing towns and cities such as Clarksdale, MS;<sup>148</sup> Flagstaff, AZ;<sup>149</sup> Rayne, LA; Longview, TX<sup>150</sup> and more. On some occasions, the piece was authored by a local writer like the article by Lee Kelly about the frequency assigned to Moab, UT.<sup>151</sup> But for the most part, the columns had no dateline.

Engineer Jim Price started Sterling Communications with a partner in 1979. Even though the company catered to Christians and religious broadcasters who were new to the industry, they also had a few secular clients.<sup>152</sup> Price's son James Price says the company helped quite a few Docket 80-90 radio stations go on the air. He says: "We were building actual true legitimate stations. Sterling Communications put hundreds of stations on the air." James Price was in his early 20s when Docket 80-90 was implemented and remembers going to Washington, DC to sit in on some of the comparative hearings. James Price has vivid memories of his dad's office; it was packed with thousands of maps in alphabetical order. He also remembers the time and care his dad took using coordinates to plot the various stations on those maps and putting "overlays

---

<sup>148</sup> "Area Granted New FM Frequency," *Clarksdale Press Register* (Clarksdale, MS), November 6, 1985.

<sup>149</sup> "FM License Available," *Arizona Daily Sun* (Flagstaff, AZ), April 30, 1986.

<sup>150</sup> "FCC Allows New FM Frequency for Bowie," *Times Record News* (Wichita Falls, TX), January 14, 1986.

<sup>151</sup> Lee Kelly, "FM Station for Moab Will Be Allowed by FCC," *Times-Independent* (Moab, UT), November 13, 1986.

<sup>152</sup> James Price (vice president, Sterling Communications) in discussion with the author, October 21, 2021.

on clear plastic, laying those over the maps make copies” and packaging them for shipping. He says applications back then “might be six inches thick. The FCC attorneys and the competing attorneys would scrutinize the work.” I did not know Sterling was an application mill when I conducted my oral history interview with James Price. One of my narrators reluctantly admitted Sterling Communications was an application mill but was hesitant to do so. It is unclear how many companies like this existed. One of Sterling’s ads claimed there were 50 in the country<sup>153</sup> that were processing dozens and dozens of applications.<sup>154</sup>

#### 6.5.2 “Rent-a-Black”

Racism was prevalent too. Honig said the times were rare, but he experienced instances where the competing applicant did not want to serve a certain segment of the population. There was one particular time when the competitor used the N-word while the court reporter was taking a deposition. After the competing attorney calmed his client down, the attorney tried to get the comment struck from the record. In fact, the client threatened the court reporter. When the competitive hearing went to trial, the judge made the competing witness read the transcript, N-word included. Honig says the judge wanted to embarrass the witness. According to Honig, “The case settled two minutes later.”<sup>155</sup>

There were other accusations of fraud during the time—like the man in upstate New York who was accused of using a variety of names on phony applications during the comparative

---

<sup>153</sup> “FCC OKs Electra FM Broadcasting,” *Times Record News* (Wichita Falls, TX), March 26, 1988.

<sup>154</sup> “Law & Regulation: Sonrise, Sikes May Drive Reform of Comparative License,” *Broadcasting*, August 14, 1989, 57.

<sup>155</sup> Honig, discussion.

hearing process to receive payoffs.<sup>156</sup> Honig said most of the shams, fronts, and frauds were caught. There were also instances when minorities were used as “fronts” for White applicants who wanted to increase their chances of winning.<sup>157</sup> Officially, Honig says these “shams and fronts” were called a real party in interest<sup>158</sup> but Rouson says this practice was also known as “Rent-a-Black.” This occurred when a White person or company would place an African American or other minority on the application as the primary owner to win the FM license.<sup>159</sup>

Honig provides more details:

You would find someone to say that they were the owner [and] give them some money quietly so they could then invest in the company. Treating it as loan and... put[ting] it out there as though they're the principal [investor]. When you get them on the stand, they don't know anything. So, a lot of what us communications lawyers would do is during depositions, just destroy some of these 'fronts,' who then would go away.<sup>160</sup>

While Docket 80-90 owner Faye Brown-Blackwell never intended to participate in any sort of “Rent-a-Black” scheme, she found herself involved in one when her White business partner, attorney Kent Foster, asked her to join forces to win the building permit for the new frequency assigned to Lake Charles, LA. According to court documents, Foster worked with a man named Joe Mims to create groups of people with the perfect combination of preferences to win during the comparative hearing process: women, minorities, and local residents. Brown-

---

<sup>156</sup> Charles Green and Christopher Scanlan, “Georgia Firm Has Raised More Eyebrows than FM Stations,” *Macon Telegraph* (Macon, GA), July 23, 1989.

<sup>157</sup> Ivy Planning Group LLC, “Whose Spectrum Is It Anyway?,” 2.

<sup>158</sup> Honig, discussion.

<sup>159</sup> Rouson, “Changing Channels,” 21.

<sup>160</sup> Honig, discussion.

Blackwell was a part of one of the 17 groups formed by Foster and Mims.<sup>161</sup> Mims approached Anthony Bartie, who was the first African American branch manager at one of the local banks. Mims told Bartie at the outset of the meeting that their “intention is never to operate the station. All we want to do is to have you on our application, be the successful bidder, and then we want to sell [the building permit] to the highest bidder.” Bartie did not partner with Mims.

A former city councilwoman, and the first African American woman to hold that position, Brown-Blackwell was considered an upstanding member of the community and was the perfect candidate for Foster’s application. She and another woman named Carol Collins formed a partnership called B&C Broadcasting.<sup>162</sup> They joined Foster and another man named Ralph Frank. Foster did not list himself on the FCC application because the FCC knew about his shady tactics. He listed his mom instead. Eventually, the group won the permit to build the radio station in Lake Charles.<sup>163</sup> Foster and Frank agreed to be silent partners or “passive investors” who would “not be involved, directly or indirectly, in the management, operations, or activities of the radio station which B&C Broadcasting proposes to build and own.”<sup>164</sup> They would instead provide funds to build and operate the station. Brown-Blackwell and Carol Collins took them at their word. However, Foster wanted to sell the license and make money. The partnership between B&C Broadcasting and Foster and Frank quickly soured when the time came to build the station. According to Bartie, Foster and Frank did not want to give Brown-Blackwell and

---

<sup>161</sup> FindLaw, Foster V. Blackwell (1999), accessed February 10, 2024, <https://caselaw.findlaw.com/court/la-court-of-appeal/1071565.html>.

<sup>162</sup> Anthony Bartie (president, District 9, Lake Charles, LA) in discussion with the author, July 15, 2022.

<sup>163</sup> FindLaw, Foster V. Blackwell (1999).

<sup>164</sup> FindLaw, Foster V. Blackwell (1999).

Carol Collins money to begin construction as promised. Foster never had the opportunity to buy Blackwell-Brown out because, as Bartie explains, she went from a “minority partner to a majority shareholder because every time she invested money in B&C, she took it out in the form of stock.”<sup>165</sup> Blackwell-Brown’s story will continue in the next chapter, but she is mentioned here because of her experience with Foster trying to use her to front his application.

### 6.5.3 Vera Gilford: A Frequency in Limbo

In 1990, while reading the *Federal Register*, African American tax attorney and businesswoman Vera Gilford learned that a frequency would be available in the Florida Keys near Key Largo, FL, so the Miami resident decided to apply for it. There were already five other stations in the area, but Gilford thought an easy listening format would be perfect for the area and would appeal to local listeners. She hoped the station would be profitable to the point where she would be able to manage it with little oversight—similar to her other business Pete’s Fountain and Bar.<sup>166</sup>

Two White women, Linda U. Kulisky and Lynda Haskins, also submitted applications for the frequency. According to FCC documents, Haskins had a slight advantage because she promised to live in or near Tavernier, FL—the community where the station would be built and service. However, Gilford won because of the minority enhancements. The administrative law judge (ALJ) concluded the following:

The Commission has held that minority ownership and local residence (now including civic participation) have equal significance in choosing the comparatively superior applicant.

---

<sup>165</sup> Bartie, discussion.

<sup>166</sup> Derek Reveron, “Calling the Signals: Woman to Run Radio Station in the Keys,” *Miami Herald*, July 28, 1992.

In the instant case, then, the 100% minority enhancement awarded Gilford has more significance than the 100% service area preference accorded Kulisky. Although residence in the community of license is equal in weight to minority ownership, Kulisky is here credited only with residence in the service area, generally of lesser weight. Kulisky's slight enhancement for broadcast experience, and Gilford's slight enhancement for a promise of future local residence, cancel one another leaving Gilford the preferred applicant herein.<sup>167</sup>

In preparation for her new responsibilities, Gilford attended a training seminar sponsored by the NTIA where she learned as much as she could about the radio industry. This included everything from engineering to sales to scheduling commercials. Her training was held at a Gannett station.<sup>168</sup>

Gilford's process was mired with setbacks. At some point, her application materials were misplaced by the FCC and her senator had to intervene on her behalf.<sup>169</sup> With Reagan appointees firmly entrenched in the FCC, they mounted a challenge against the preferences for women and minorities and froze her license. These policies were seen as "reverse discrimination."<sup>170</sup> She then got into a dispute with her attorney David Honig. In 1996, she was still holding the permit but could not move forward with construction because of the freeze. According to FCC documents, that the station was eventually built and went on the air, but Gilford was not the owner at the time. She passed away in 2018.

---

<sup>167</sup> MM Docket No. 91-3, In re Applications of LINDA U. KULISKY File No. BPH-901024MD, LYNDIA F. HASKINS File No. BPH-901025ME, GILFORD BROADCASTING COMPANY File No. BPH-901025MF, For Construction Permit for a New FM Station on Channel 245A in Tavernier, accessed March 19, 2022, <https://docs.fcc.gov/public/attachments/FCC-92D-42A1.pdf>, 3898.

<sup>168</sup> "Black-Owned Radio Station to Begin Broadcasting in Tavernier," *Miami Times*, July 28, 1994, 9A.

<sup>169</sup> Mohamed Hamaludin, "Vera Gilford Is Still Awaiting FCC OK for Radio Station, Is Sued for Legal Fees," *Miami Times*, July 18, 1996.

<sup>170</sup> Kimberlé Williams Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law," *Harvard Law Review* 101, no. 7 (1988), 1331–87, <https://doi.org/10.2307/1341398>.



#### 6.5.4 Pete Peebles: The Longest Comparative Hearing on Record

Docket 80-90 applicant Pete Peebles had the longest comparative hearing case on record: 12 years! Like Brown-Blackwell, Peebles was the perfect Docket 80-90 candidate. He was African American and well known and liked in the community. Unlike Brown-Blackwell, Peebles had an extensive broadcasting background and worked in various roles in TV operations, news production, promotions and marketing.

Peebles graduated from Hampton University in 1980 and majored in mass media arts and minored in journalism. A proud alum, he says he is thankful his parents sent him to college there. Ironically, a representative from the Hampton Institute School of Communications was at the Minority Broadcast Ownership meeting in 1977 while Peebles was a student. William Kearney, the director and chair of the Department of Mass Media and Arts, shared the school's commitment to preparing its graduates to enter the broadcast industry working in "meaningful, creative careers as professional broadcasters."<sup>171</sup> At the time, Hampton had an FM radio station and offered courses in TV and radio production, broadcast journalism, photography, public relations, media law, and ethics and more. Peebles says his classes at Hampton taught him to use his voice and power with great care: "When you are a broadcaster, your responsibility is to the general public.... You have a responsibility to be responsible."<sup>172</sup>

Peebles first learned of Docket 80-90 in 1984 and attended a seminar sponsored by the FCC in Washington, DC to learn more about the rule. It was during that event that he was told to contact attorney Gary Smithwick. Peebles did his research, and the two of them put together a

---

<sup>171</sup> William Kearney, "Position/Summary Statement on the Access to and Use of Professional Help in Broadcasting," May 18, 1977, Communications Workshop Meeting, 7/19/77 [Minority Ownership of Electronic Facilities], Martha (Bunny) Mitchell, Jimmy Carter Library, 1.

<sup>172</sup> Pete Peebles (owner, Peebles Broadcasting Group, Inc.) in discussion with the author, July 16, 2022.

very solid application together and submitted it to the FCC as Peebles Broadcasting Company in 1986. Peebles, still in his 20s, wanted to own a radio station because he felt: “There were not enough voices being heard. Broadcast companies have philosophical and news policies that dictate what you hear on their stations. The companies that control the media, control the narrative.”<sup>173</sup> He says African American voices are not heard because the ownership numbers are still quite low.

His 12-year comparative hearing was costly, but he never thought of giving up. Each time he would win the comparative hearing and be awarded the permit, he was challenged. Peebles kept fighting for the Docket 80-90 frequency because he wanted to make sure Black voices were represented on the airwaves. He also wanted to set a good example for younger generations of African Americans. He wanted them to understand this: “We can do anything we want to do.” Notions surrounding “the public interest” and a desire to provide a much-needed, missing voice to the airwaves also drove his desire back then. Today, he is concerned about disinformation and what might happen if newsrooms and media outlets keep closing. He also expresses a wariness of venture capitalists who place profits above good, important journalism and broadcasting.

From 1986 to 2000, Peebles made a series of wise decisions and participated in a few groundbreaking projects that allowed him to remain financially solvent. For example, in 1995, he was involved in the merger of WLFL TV and WRDC TV by Sinclair Broadcasting. The TV stations were in different locations and were the first to be merged in the US. He also helped put WRAZ on the air in 1996, and he ran audio for the first HD TV sports broadcast in the country.

---

<sup>173</sup> Pete Peebles (owner, Peebles Broadcasting Group, Inc.) in discussion with the author, July 16, 2022.

While there have been times when he has not been given proper credit for his work, he says he is blessed.

Peebles finally won his comparative hearing. However, his financial coffers would not allow him to build the station, and he sold the permit. Smithwick says he had quite a few minority clients, but only one other one was awarded a building permit—a woman in Palm Springs, FL. She eventually sold her permit too<sup>174</sup> for \$1.8 million.<sup>175</sup> Smithwick laments, Peebles was the perfect candidate “and a wonderful person. He should have had the radio station it’s really, really sad because the whole idea was to try to provide voices Blacks, Latinos...”<sup>176</sup>

Peebles did fulfill his dream of owning a radio station. He currently owns Gospelnc.com and KHHE. He says his responsibility as an owner is encouraging others to enter broadcast ownership. He says changing the way people think and helping them realize their potential is important—no matter one’s career. And despite everything that happened with docket 80-90, he suggests the most important takeaway is this: “It was the federal government’s push to get minorities into ownership.” In the next chapter, I profile nine African Americans who were able to build and operate their Docket 80-90 stations.

---

<sup>174</sup> Smithwick, discussion.

<sup>175</sup> Bonnie V. Winston, “Minorities Get Help in Buying Broadcast Properties,” *Boston Globe*, July 5, 1986.

<sup>176</sup> Smithwick, discussion.

## **Chapter 7: On Air and in their Own Words**

Finding Docket 80-90 stations and gathering their origin stories was akin to assembling a 689-piece jigsaw puzzle of the blue sky. With great difficulty, I was able to locate 17 Docket 80-90 stations. Seven were White-owned and 10 were Black-owned. In this chapter, I map for the first time the locations of the African American Docket 80-90 stations. I also present another first: I share the number of African American radio stations that were on air in the 1990s. I provide a brief overview of the seven White-owned Docket 80-90 stations found. I explain what their first days and weeks were like. After that, I provide a brief biographical sketch of each of the African American Docket 80-90 owners. I explain their comparative hearing process, what motivated them to become broadcasters, and how they acquired their station. I then discuss key themes that emerged from the interviews. Last, I share the story of Docket 80-90 owner Fay Brown-Blackwell, who died in 2015.

As an African American journalism and media historian whose research agenda is firmly rooted in Black studies, I want to state this: My work is shaped by my experiences growing up in predominately White spaces. As a child, radio was my friend, and I listened to it as much as possible. I relished those rare occasions when I was in a city or town with a Black radio station, and when the signal faded, and I could no longer hear the R&B music or Black disc jockeys, the silence that remained was deafening. This dissertation was written with those experiences in the forefront of my mind. I acknowledge this and am aware of it. I hope that the men and women profiled in this work will inspire and influence future broadcasters and scholarship on this important subject.

## 7.1 The Hunt for Docket 80-90 Stations

According to media broker Dave Garland, all 689 of the Docket 80-90 frequencies were awarded. The last station constructed is owned by Alpha Media<sup>1</sup> and signed on the air in February 2020 as a Spanish-language channel in the Longview, TX area. A representative from KTLA “La Invasora” 107.9 says it is the “the first Hispanic radio station in East Texas” and is the biggest.<sup>2</sup> Led by Bob Proffitt, Alpha Media bills itself as “a diverse, multimedia company sharing your favorite music, sports and news across a variety of platforms.”<sup>3</sup> Garland monitored this last frequency for 30 years. He says the original Docket 80-90 frequency changed over the years and was at one time assigned to Arkansas.

The number of Docket 80-90 stations owned by African Americans is unknown. A request to the FCC asking for that information proved futile. Rouson reports that African Americans were building Docket 80-90 stations in Tennessee in the early 1990s.<sup>4</sup> I was unable to locate those stations. The Multicultural, Media Telecom and Internet Council (MMTC) analyzed 100 comparative hearings and determined that by 1993, 27 “minority-controlled applicants” had been awarded building permits.<sup>5</sup> Unfortunately, MMTC no longer has that data. Additionally, I

---

<sup>1</sup> Dave Garland (owner, Dave Garland Media Brokerage) in discussion with the author, March 13, 2023.

<sup>2</sup> Reagan Roy, “Alpha Media’s La Invasora Doubling Radio Signal Size to Better Serve East Texas’ Hispanic Community,” *CBS 19* (blog), February 18, 2020, <https://www.cbs19.tv/article/news/local/alpha-medias-la-invasora-doubling-radio-signal-size-to-better-serve-east-texas-hispanic-community/501-fadb2905-04ac-4867-9104-cb5ba605cfed>.

<sup>3</sup> “Alpha Media,” accessed March 8, 2024, <https://www.alphamediausa.com/>.

<sup>4</sup> Rouson, “Changing Channels.”

<sup>5</sup> See footnote 2, In the Matter of Auction of FM Broadcast Construction Permits Scheduled for November 1, 2005 (Auction 62), TO THE WIRELESS TELECOMMUNICATIONS BUREAU AND THE MEDIA, accessed May 2 2022, <https://mmtconline.org/lp-pdf/MMTCAuction62Comments.pdf>.

found an African American who built an FM radio station in Youngstown, OH in the mid-1990s. His station was not a Docket 80-90 station. Determining this took a great deal of effort.

I was able to locate two more Docket 80-90 owners, but they would not grant me interviews. In 1992, KYFX “Foxy” 99 hit the airwaves in Little Rock, AR. Loretta Lever owned the station for 11 years before selling it to Disney for \$2.5 million.<sup>6</sup> In February 1993, WXQL signed on in Jacksonville, FL. Owned by Fred and Anna Matthews, the station played adult urban contemporary music.<sup>7</sup>

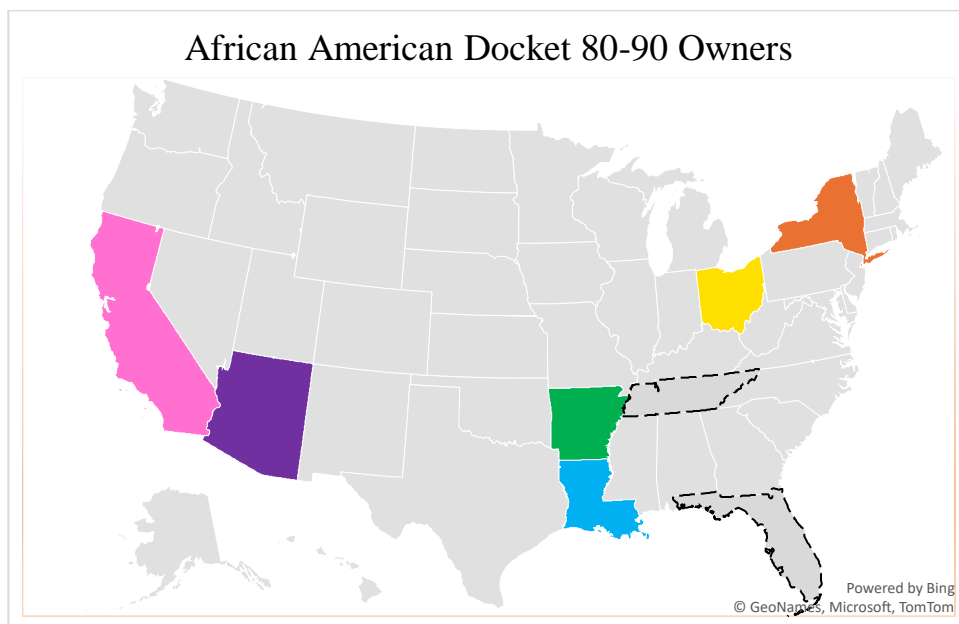


Figure 5. Locations of African American Docket 80-90 stations

*The Solid colors denote the locations of the eight African American Docket 80-90 stations featured in this study. The dotted lines denote locations of the Docket*

<sup>6</sup> Arkansas Business Staff, “Court Rejects Appeal to Stop KYFX Transfer,” May 3, 2004, Accessed April 10, 1022, <https://www.arkansasbusiness.com/article/court-rejects-appeal-to-stop-kyfx-transfer/>.

<sup>7</sup> “Urban AC WXQL To Bow In Jacksonville Matthews Owner/GM, Mullins GSM, Puzo PD,” *R&R: Radio and Records*, February 5, 1993.

*80-90 stations found but not highlighted in this study.*

spoke with Percy Squires, the radio owner; his attorney; and a representative from the FCC to confirm this. According to Sandoval, 11 minorities entered broadcasting between 1990 and 1995, but it is unknown if any of these minorities owned Docket 80-90 stations.<sup>8</sup>

## 7.2 Docket 80-90 Stations Go on the Air

The first Docket 80-90 station believed to go on the air was WOMA 96.5 FM, out of Algoma, WI, a tiny town on the banks of Lake Michigan. The brand-new FM station was scheduled to begin broadcasting on November 10, 1986. Whether it did is unclear; a newspaper report said chances were “iffy.” Despite the uncertainty, station president and general manager Dale Eggert was quite excited and explained WOMA would cover local news and fill in the gaps left by the weekly paper.<sup>9</sup> From that point on, a spate of new FM stations began airing across the country.

Residents in Danville, KY and the surrounding area were treated to the sounds of Shania Twain, the Backstreet Boys, and Chicago when WRNZ signed on the first week in October 1988. WRNZ was the area’s first FM station. The program director said the plan was to play soft rock and adult contemporary music. He said listening to the station would be like “tuning into a friend.”<sup>10</sup>

---

<sup>8</sup> Sandoval, “Minority Commercial Radio Ownership,” 99.

<sup>9</sup> Warren Gerds, “New Station Has Its Eye on Algoma,” *Green Bay Press-Gazette* (Green Bay, WI), November 8, 1986.

<sup>10</sup> “WRNZ: Area Gets a New FM Radio Station Saturday When 105.1 Opens,” *Advocate-Messenger* (Danville, KY), September 30, 1988.

When KBAC hit the air in Santa Fe, NM in November 1989, the local newspaper reported: “Radio like much else in Santa Fe is hot.” KBAC’s signal was strong and far-reaching. Investors spent about \$500,000 in preparation for its debut and bragged it was worth \$1.2 million when it signed on. The station’s owner lived in Denver and aired programming from Dallas-based Satellite Music Network.<sup>11</sup>

WNRJ’s city of license was Maryville, OH about 40 miles north of Columbus, OH. When WNRJ signed on as “Power Pig 105.7,” the station received a cease-and-desist order and was told to stop using the tagline because another station had the rights to it. According to the owner, WNRJ was “a fun, music-intensive station playing familiar titles.” The goal, he said, was to “always sound like you’re walking into a club and ready to party.”<sup>12</sup>

Operating on a shoestring budget, WHHH got off to a rocky start in Indianapolis, IN when it signed on in October 1991. Transmitter issues plagued the station for the first few weeks and because it relied on a makeshift antenna, the station was not heard across its entire listening area. Hoosier Hot 96 relied heavily on sports and covered games played by teams from Indiana University, Purdue University, and Butler University.<sup>13</sup>

With the help of some investors who agreed to a minority stake in the company, pharmacist Robert Wallace formed Great Co. Broadcasters, Inc. and launched WNKR near the Kentucky/Ohio border in 1992. There was very little interest in the signal, so Wallace did not have a comparative hearing. He owned the station until his death in 2019, when WNKR was transferred to his partner Jeff Zeismann. Today, the station airs “classic country” music.

---

<sup>11</sup> Michael Winkelhorst, “Spotlight: Radio Wars,” *Santa Fe Reporter* (Santa Fe, NM), June 27, 1990.

<sup>12</sup> “Forgy GM, Motley PD: Dance CHR WNRJ Bows in Columbus,” *R&R: Radio and Records*, April 27, 1990, 4.

<sup>13</sup> “Hoosier 96: Ready To Play Ball,” *R&R: Radio and Records*, January 31, 1992.



According to Zeismann, the station runs ads and information that supports Kentuckians and their businesses. WNKR’s signal spans five counties.<sup>14</sup>

### 7.3 1990-1997: Black FM Radio Ownership

Beginning in 1990, the Minority Telecommunications Development Program (MTDP) began compiling data on broadcast facilities owned by minorities. The directory included the names, addresses, and phone numbers of station where minority ownership was above 50 percent. The yearly reports were culled from data gathered by National Association of Broadcasters (NAB), newspaper and magazine articles, and word-of-mouth accounts.<sup>15</sup> Up to this point, the figures were tabulated by various trade groups.<sup>16</sup> In this section, I cull this information and provide a comprehensive look at the totals. This is the first time this information has been presented together and in one place.

The first year MTDP released its data, out of the 4,317 FM radio stations in the country, only 69 or 1.6 percent were owned by African Americans. NTIA Chief Janice Obuchowski conveyed alarm when, in 1991, minority ownership dropped. That year, 4,502 radio stations were on air and 68 were Black-owned FMs. Industry insiders said, “It doesn’t take an MBA to figure out that minority-owned stations—often daytimers or Class A FMs—have been especially hard hit by a triple whammy of an advertising recession, the credit crunch, and lingering racism

---

<sup>14</sup> Jeff Zeissman in discussion with the author, July 19, 2022.

<sup>15</sup> Minority Telecommunications Development Program of the National Telecommunications & Information Administration, “A Comparative Statistical Analysis of Minority-Owned Commercial Broadcast Stations Licensed in the United States in 1991 and 1990,” October 1991.

<sup>16</sup> Ivy Planning Group LLC, “Whose Spectrum Is It Anyway?”

at some ad agencies.”<sup>17</sup> The minority radio ownership numbers dropped in the early 1990s before making a minuscule climb in 1994 and again in 1995.

A noticeable drop occurred in 1996-1997 when thirteen stations went off the air. According to the NTIA, most of those stations were in Indiana and South Carolina. However, two new Black-owned FMs began airing in Louisiana at that time. Although the Telecommunications Act of 1996 is not the focus of my research, it begs a mention here, as it had deleterious impacts on Docket 80-90 and the minorities who were able to build their own radio stations.

<b>Black-Owned FM Radio Stations in the 1990s</b>		
Year	Total No. of Radio Stations	Black Owned
1990	4,317	69
1991	4,502	68
1992	4,732	64
1993	4,920	71
1994	5,044	71
1995	5,285	77
1996–1997	5,468	64

*Table 3. Black-Owned FM Radio Stations in the 1990s, Source: NTIA, MTDP*

African American broadcasters said the Telecommunications Act of 1996 negatively affected them because the measure “contributed to media consolidation, higher station prices, and more competition among broadcasters for advertising revenue.”<sup>18</sup> Small broadcasters could not compete with the conglomerates.

---

<sup>17</sup> “DC Reports: Minority Ownership Drops in ’91,” *R&R: Radio and Records*, December 20, 1991.

<sup>18</sup> “Minority Commercial Broadcast Ownership in the United States, National Telecommunications Information Agency,” August 1998, 3.

#### 7.4 And We're Live!

The eight African Americans interviewed for this study owned and operated their stations in six states (two were in California and two were in New York) and represented a cross section of the country—the East Coast, Midwest, Deep South, Southwest and West Coast. Except for Faye Brown-Blackwell, who passed away in 2015, I introduce each person chronologically based on the year his or her station first aired.

The results from my interviews are presented in thematic sections that explain

<b>African American Docket 80-90 Owners</b>				
Air Date	Name	Call Letters	Frequency	Location
1991	Ro Nita Hawes-Saunders	WROU	92.1 FM	Dayton, OH
1992	Emmie Jo Gamble	KTOY	104.7 FM	Texarkana, AR
1992	Art Mobley	KMJK	107 FM	Buckeye, AZ
1993	Evelyn Ray and Morris Rogers	KJMY	103.5 FM	Seaside, CA
1994	Faye Brown-Blackwell	KZWA	103.9 FM	St. Charles, LA
1995	Robert Short	WRDS	102.1 FM	Phoenix, NY
1996	Merrill “Butch” Charles	WXCD	105.9 FM	Syracuse, NY
1997	Paula Nelson	KBMB	103.5 FM	Sacramento, CA

*Table 4. African American Docket 80-90 Owners*

how they first learned about Docket 80-90, their interest in becoming broadcast owners, the challenges they endured, the joys they experienced, their impact on the community, the lessons they learned, their belief in the public interest and democracy, and their hopes for the future. Within these categories are subgroups that provide insight into their upbringing and their sense of racial awareness.

All of the Docket 80-90 owners interviewed for this study were determined and persistent. Once each Docket 80-90 owner decided to embark upon radio ownership, they committed themselves fully to the task. But they frequently lacked access to capital, and this

proved to be a major stumbling block for each of the Docket 80-90 owners at various points. The Docket 80-90 owners I spoke with were all quite successful. After approximately a year on the air, the ratings for each of these stations was 7.0 or above (according to Arbitron), displacing the number one radio station in each market.

More than thirty years have passed since each broadcaster submitted an application to the FCC and began the arduous journey that would lead to owning an FM radio station. Despite this, each narrator remembered events, dates, and details; each was introspective as well as retrospective about the events that occurred during the time their stations were on the air. These men and women understood that they were in a position to influence culture, inform the masses, and bring their communities together.

#### 7.4.1 1991: Ro Nita Hawes-Saunders

Ro Nita Hawes-Saunders has fond memories of her time as a broadcaster. She enjoyed working in front of the camera and microphone and behind it. For her, “being able to create platforms that allow people to share their thoughts and experiences” is part of what drew her to the industry. Hawes-Saunders wants to get people talking about local politics, local concerns, national issues—whatever is on their minds. Born and raised in Dayton, OH, Hawes-Saunders is well-known. She began her career in broadcasting after completing her studies at Denison College in the 1970s. While working at a local TV station, she received a phone call from the Black radio station in town asking her if she would like to host a radio show. She accepted and began cohosting a weekly Sunday night call-in talk show that became extremely popular. That experience was an eye-opening one because, she says, the radio audience seemed to be more engaged than the audience at her local TV station.

Hawes-Saunders also worked for public television. It was during this time that she joined American Women in Radio and Television (AWRT) and became active at the local, regional, and national levels attending seminars, workshops, and learning the particulars of the business side of the industry. She continued working at the radio station and remembers meeting the owner. She knew he built his station and was curious about his professional career and trajectory. Still in her 20s, she asked him questions about his background, his family, and his experience as a broadcaster. Hawes-Saunders says she has always been curious and is interested in “what’s occurring behind the scenes as opposed to what we can see in the forefront.”

While working on her master’s in broadcasting at The Ohio State University, she attended a workshop that would make her consider media ownership for herself. She remembers the facilitator saying the Dayton, OH was an “under mediated market.” She says she pondered this during his entire talk because Dayton, OH had newspapers, radio stations, and TV outlets. After the event, she approached him, and he explained the process of petitioning the FCC for a new license.

Hawes-Saunders quickly called her friend, an FCC attorney, and asked him for information. She recalls with a chuckle:

This was before computers were computers in the way we know them today. This is before the internet. So, I received a hardcopy, and [there was] page after page—I don’t know how many hundreds of pages, but it was a lot of a lot of paper. And I spent time over the next few weeks reading through the document and highlighting and writing questions.

And I called my friend up, and said, ‘I read through all the information that you sent to me.’ And he said to me: ‘What do you mean you read through all the information?’ I replied: ‘Thank you. I did.’ He said ‘nobody ever reads all the information. I’m an attorney. Nobody does that.’ And I told him I had a whole series of questions.

Hawes-Saunders flew to Washington, DC, and her friend helped her put together an application asking the FCC to create a new FM frequency in Dayton, OH. All of these events

occurred right around the time the FCC adopted Docket 80-90, so she says her timing was perfect. Hawes-Saunders had been approached some years before by a White group looking for a minority partner in their quest to start a new TV station. While that opportunity did not materialize, she said the experience provided her with a great deal of insight.

Once the FCC approved her request for a new FM frequency in the Dayton, OH area, she needed to go through the comparative hearing process to win the building permit. Even though she paid for the engineering study and all the other fees associated with petitioning the FCC for a new frequency, 11 other applicants challenged her for the new drop-in. Some of them dropped out, and a group of them banded together to try to intimidate her. In the end, Hawes-Broadcast Properties, Inc. was victorious. Two years later, on November 25, 1991, her station signed on the air. From start to finish, the process lasted 10 years.

#### 7.4.2 1992: Emmie Jo Gamble

Emmie Jo Gamble's laugh is rich and full. Her voice is firm yet kind. She speaks with the ease and confidence of someone who knows how to tell a good story. The octogenarian says she has lived her life with no regrets, and this attitude has served her well. When she talks about her 13-year run as joint owner, chief financial officer, and station manager of KTOY-104.7 FM in Texarkana, AR, she enthusiastically says, "It was quite an adventure.... That experience was unreal!" KTOY's first airdate was April 26, 1992. It was the first Black-owned radio station in the area. The station's tower is located in Texarkana, AR but the radio station itself is in Texarkana, TX.

Gamble says she always wanted to be an entrepreneur and had explored several options but had never considered radio. Then one day, in the mid to late 1980s while reading her local newspaper, that all changed. She recounts:

I'm a person who reads everything in the paper.... I read this letter saying the FCC was offering 600 frequencies across the United States and one was for my area. They said minorities, women, and [local] residents would have a head start. I fit the criteria: I was a woman, a minority, a resident of Texarkana, so that's three out of three. I decided that I was going to apply.

Gamble immediately sent the FCC a request for information on Docket 80-90 but did not receive a response. Someone at the FCC sent the information to the wrong address,<sup>19</sup> but the mix-up did not deter her.

Surprisingly, the thought of owning a radio station had not entered her mind until the moment she read that article. Gamble formed Jo-Al Broadcasting, Inc. with her brother-in-law Al Davis. Al Davis attended Grambling State University and gained valuable broadcast experience helping his brother Willie Davis, who owned several radio stations in California and Wisconsin. Willie Davis is probably best remembered for being a two-time Superbowl Champion and pro football hall of famer. Gamble and her partner Al Davis financed the entire endeavor, but Willie Davis made sure they had good engineering support. In fact, he sent one of his engineers to Texarkana for a few months to make sure the station got on the air and ran properly.

Two other companies were vying for the frequency in Texarkana—B&H Broadcasting System and Dupre Broadcasting.<sup>20</sup> Even though Jo-Al Broadcasting, Inc. received more preference points than the other two companies, they all agreed it would be best to settle to avoid going through the costly comparative hearing process. Gamble and her partner paid off the other

---

<sup>19</sup> Emmie J. Gamble to Secretary DKT 80-90, FCC, November 26, 1984, Record Group 173 UD-12W 18, vol. 3, box 18, National Archives at College Park, MD.

<sup>20</sup> In re Applications of JO-AL BROADCASTING File No. BPH880616MP, B&H BROADCASTING SYSTEM, INC. File No. BPH 880616MQ, PATRICIA D. CAMP ANN E. DUPRE, DUPRE BROADCASTING CO. FILE NO. BPH 880616MW, For Construction Permit for a New FM Station on Channel 284A in Texarkana, Arkansas, March 19, 1991.

two competitors and then attended a hearing to prove that they were financially solvent and had enough cash on hand to build the station and operate it should unforeseen circumstances occur.

Because Al Davis lived in Los Angeles and Gamble lived locally, she ran the day-to-day operations of the station. A graduate of the University of Arkansas at Pine Bluff, she taught math at the local high school. Until the station began turning a profit, she worked both jobs. She would go to KTOY first thing in the morning before heading to school and then swing back by the station during her lunch break. She also recalls going to the post office too—to see if they had received any advertising money “because things were tight.” Even though she remembers those busy times with fondness, she says it was rough:

I was 53 years old and had a lot more energy back then. My kids were grown, and my husband was there to help. It was a family business, you know.... So, I just did it. You know when you want something, you have to work hard.

Neither she nor Al Davis could afford to quit working, so Al Davis would fly back and forth from Los Angeles to Arkansas. To keep the station on the air and her employees paid, Gamble borrowed against her life insurance policy and those of her husband’s and children. She said they put their entire life savings into KTOY. Her brother-in-law mortgaged his house. It took five years for the station to break even, and when it did, she repaid all her debts. They were able to hire some 15 people and provide them with “meaningful employment.” According to Gamble, some of those employees still work at the station today. She says she is proud that the station “served as a voice for the Black community.” Gamble and her partner Al Davis sold the station in 2012. It was consistently ranked number one, two or three in the market during the 20 years they owned it.



### 7.4.3 1992: Art Mobley

KMJK “Majik” 107 FM began airing on July 13, 1992. Just days before it signed on, Art Mobley remembers driving around the outer edges of Phoenix listening to his brand-new radio station. R&B artist Sade played as Mobley checked the signal for dead spots and noise. Getting to this juncture had taken five years, a dizzying array of twists and turns. One of the most interesting deals with the location of his radio tower and the battle that took place between him and the National Guard. The location for Mobley’s station was Buckeye, AZ. Buckeye is about 40 miles west of Phoenix and 100 miles north of Mexico, so he had to get clearance from Mexico’s government to build his tower. He says that was a very easy and straightforward process. Unfortunately, getting clearance from the US National Guard to build his tower was not. The National Guard said his tower would be located too close to their gunnery range in the West Valley and would cause interference. He met with the local commander to ask for special waivers, but those were denied. Instead, he had to spend a total of \$90,000 on expensive frequency search studies in addition to all the other fees needed to obtain the building permit. Mobley was undeterred by this hurdle. With the prospect of even more debt looming, he turned to his state senator for help. Mobley explains what happened:

I had a friend, Carl, who worked on Senator John McCain’s campaign. Carl was interested in the radio station and the work I was doing. When I told him it was going to take me nine months to complete the frequency studies, Carl spoke to Sen. McCain. It took McCain two days to resolve this. He wrote a letter to the National Guard, cut through the red tape and jettisoned it forward. That was the last hurdle we needed for clearance.

His tower was built from a concrete block enclosure and since it was so close to the gunnery range, people would shoot at it and the satellite dishes. Random passersby would cut the cables, but that did not stop him or silence “Majik.”

Born in Detroit, Mobley and his family moved to Phoenix when he was a small child. He graduated from the University of Detroit with a degree in mass communications. Mobley has worked in the broadcasting industry since he was 19, and his knowledge of the industry is vast. Mobley held a number of positions that prepared him to own a radio station. He worked as a reporter/anchor and engineer (TV and radio). He attended the Minority Broadcast Ownership Conference sponsored by the FCC in Washington, DC in 1977 and remembers the discussions held about increasing the AM and FM bands. He was the founder and chairman of the Phoenix Black Media Coalition (a branch of NBMC). Mobley also worked as the director of advertising sales for the Phoenix Suns.

#### 7.4.4 1995: Robert Short

Robert Short grew up in Syracuse, NY and attended college in Athens, OH. During breaks, he often visited friends in Cleveland or Washington, DC. As he drove to and through these areas, he would inevitably hear a radio station with an urban format—something Syracuse did not have. Short was bothered by the fact that there were no similar stations in his city and started wondering why that was. During church one Sunday, the pastor's sermon gave him a “wake-up call” of sorts and provided him with a perspective that set his life on a new trajectory.

Short recalls the sermon:

The pastor took a trip to the National Civil Rights Museum at the Lorraine Motel in Memphis, TN. When he looked around, he saw trash on the ground. He thought to himself, ‘Look at all this mess; this is where Dr. King was killed.’ The pastor said a ‘lightbulb’ went off in his head. He thought, ‘Why don’t I pick up the trash? Why am I waiting for someone else to do it?’

Short said a lightbulb went off in his head too. Why was he waiting for someone else to start a Black radio station in his hometown? He could start one himself.

Short had a degree in business administration. He did not have a background in broadcasting and neither did any of his peers, so he began learning about the radio industry and how to start a radio station. Right around that time, one of his friends saw a newspaper article about Docket 80-90. Together, the two of them started working on an application. He found information about the Texarkana, TX/AR market and used it as a guide. Unbeknownst to him, this was Gamble's study for KTOY FM.

When Short learned another group of minorities was applying for the same frequency, he and his friend teamed up with their efforts. Led by Merrill "Butch" Charles, the new entity, comprised of six African American men, decided Charles would be the lead applicant because he had an immense amount of broadcast experience. The others would become silent partners.

The Syracuse, NY market was given two new frequencies. One was located in Syracuse, NY proper, and the other was 20 miles north in Phoenix, NY. When an attorney discovered Short would be listed on the application in a secondary capacity, he convinced Short to submit his own application but for the frequency in Phoenix, NY. A total of seven entities, including Short, competed for this frequency. He recalls flying back and forth from Syracuse, NY to Washington, DC for his comparative hearings. He says he will never forget what happened after his first trip to DC:

There was one applicant who was stronger than the others. She and I were in this until the very end. But the very first time I had my hearing, she and her counsel pulled me aside and said 'We can circumvent all of this. We'll give you a settlement check right now of \$250,000 if you agree to walk away.' So, by default, she would win.

Short agreed to the offer and dropped out of the running, but when he returned home, she would not pay him. As a result, they had to start the comparative hearing process again—from the beginning. Short flew to Washington, DC to be deposed. He flew his attorneys to Syracuse, NY for follow up depositions. There were hotel expenses that he had to cover. This all occurred in

the late 1980s, so there were long-distance phone charges and time-sensitive mailings that needed original signatures that were costly to send. On top of that, the attorney's hourly rate was \$200, and the paralegals' fee was \$90 an hour.

Short spent about seven years racking up debt, spending his own money, and mortgaging his house to pay for "engineering studies that cost \$15,000 and consulting services." By this time, the person he was competing against had exhausted her funds and would not have been able to build the station had she been awarded the permit. Short now had to participate in and pay for a financial hearing. He says, "At one point I was denied the application. We appealed the decision, and fortunately I won an appeal," but, he laments, it was a "very burdensome process." Short was awarded the permit for Phoenix, NY. WRDS FM signed on in May 1995.

#### 7.4.5 1996: Merrill "Butch" Charles

Butch Charles was working on his master's in telecommunications management when he first heard about the FCC's plan to create hundreds of new FM frequencies. He was studying regulatory side of the broadcast industry in the early 1980s and his classes at the Newhouse School of Communications at Syracuse University required him to read the *FCC Digest* and various trade publications. That is where Docket 80-90 caught his attention. While in college, he heard about the Minority Tax Certificate and the emphasis the federal government was placing on increasing minority broadcast ownership. Concerned about this issue, he started a local branch of the National Black Media Coalition (NBMC), which is how he met his attorney, David Honig. Charles remembers sending a letter to the FCC in 1985 letting the Commission know he was interested in a frequency if one became available in his area. He decided to apply for frequency 105.9 on September 18, 1987.

He and his four partners formed Salt City Communications, Inc. and had plans to start an FM station with an urban contemporary format geared towards the African American audience. The group was quite formidable. Robert Short (previously mentioned) was an accountant who worked with engineer Michael Suber at General Electric, Locksley Spencer was President of Metallon Paint Corporation, and Roosevelt Bouie played professional basketball in Italy.<sup>21</sup> Their chances of being awarded the frequency were great. Charles had an impressive resume. At the time, he was a videographer at WTVH CBS 5. While in college, he worked at WAER AM and five other radio stations.<sup>22</sup>

As African Americans, the group would receive the enhancement credit for minorities. Because at least one applicant lived in the area, they would receive preference points for that too. Charles, representing his group, flew to Washington, DC for the first comparative hearing. Charles knew the process would be “fairly intrusive” and was prepared for the other attorneys to do their best to taint his character. The trip was memorable for two reasons. First, on the flight down to DC, one of the competing applicants and his attorney offered him money in an attempt to convince him to drop out of the process; he declined. The second incident occurred during the actual hearing. One of the competing attorneys asked him if he played basketball. Charles, who is 6'6", was offended. Nothing on his application indicated he was a basketball player. His group did have a basketball player, but Charles was upset that he was mistaken for his African American friend and business partner.

---

<sup>21</sup> Dave Berman, “Don’t Touch That Dial! Competitors Scramble for New Dial,” *Post-Standard* (Syracuse, NY), November 2, 1987.

<sup>22</sup> Walt Shepperd, “Still Looking for a Home: Black Radio in Syracuse Hasn’t Succeeded with Any Frequency,” *Syracuse News Times* (Syracuse, NY), n.d.

At any rate, Charles was awarded the construction permit in 1991, but he explains, “Two of the other applicants appealed that decision.” The appeals continued for the next four years until Charles was able to pay the other applicants to drop out of contention. He was finally awarded the permit in 1995. His station began broadcasting smooth jazz and R&B on April 8, 1996.

As an interesting aside, one of Charles’s colleagues at WTVH also applied for this frequency. Randall Lynn Huston worked as a reporter and anchor at the station. With the guidance of soon-to-be infamous Thomas L. Root, Huston formed Huston Telecom Partnership with 25 other people. It is unclear if Huston and Root appeared at the first hearing. The local paper reported that Huston applied for another frequency in Indiana but was bought out by the competition.<sup>23</sup>

#### 7.4.6 1996: Evelyn Ray-Rogers and Morris Rogers

Evelyn Ray-Rogers and her husband Morris Rogers finish each other’s sentences as they describe where they were and what they were doing when their station KJMY first aired. With excitement, they share the story:

**Morris:** We were in our car when the station went on the air. When we went live—

**Evelyn:** We were screaming in the car!

**Morris:** And our station was 103.9 “The Eagle.” And the first time we heard it—

**Evelyn:** It was an incredible high! There were a lot of struggles and a lot of tears along the way, but the exhilaration of it and the memories from it are great.

---

<sup>23</sup> Berman, “Don’t Touch That Dial! Competitors Scramble for New Dial.”

The Rogers spent five years bringing their dream to life. The couple owned an FM station in Seaside, CA, which is about five miles northwest of the popular tourist town Monterey, CA. The station's tagline was "Smooth Jazz and Soft Hits," and its format was new to the area. The couple was too. Evelyn Ray-Rogers grew up in Missouri and Morris in New York City. She had a successful career working for the Equal Employment Opportunity Commission (EEOC) as a specialist and then in human resources in the private sector. Morris worked for a printing company that had as its client media giant Inner City Broadcasting Corporation (ICBC), an African American company owned by Percy Sutton, publisher of the *New York Amsterdam News*. ICBC had a contract with Morris's employer. He was assigned to ICBC's account to print their invoices, program logs, and handle their design work.

Evelyn Ray and Morris Rogers met after she moved to New York for work. After they were married, Morris shared his dream of one day owning a radio station. The couple decided it would be best if one of them worked in the industry to gain experience. Evelyn found a job working in sales at a radio station in New York City. During her four years as a salesperson, she learned the inner workings of that side of the business. Meanwhile, her husband found a job as an administrative engineer. The couple did their due diligence, studied the industry, and learned as much as they could about broadcast ownership.

When the Docket 80-90 stations became available, they selected a location in California. The Rogers lived in the New York/New Jersey area, their attorneys were in Washington, DC, and the station they were going to build was on the West Coast. Evelyn Ray-Rogers says the entire five-year process was "hellacious." There were about 25 others bidding for the frequency in Seaside, CA, and she admits, "My husband and I had the advantage because I was a Black

woman... and that number was whittled down to three or four, and we were granted the permit, but as you understand, that only gives you a piece of paper. You have to build the station.”

When KJMY went on the air, they held a ribbon-cutting ceremony, and members of the community celebrated with them. To expand their listening area, they eventually placed an antenna on the famed golf club Pebble Beach. Their jazz format gave them excellent exposure at the Monterey International Blues Festival. After six years on the air, they sold the station in 1999. Before they placed it on the market, they changed the format to classic rock to attract a better buyer. The couple accepts the entire process for what it was: raw and grueling. However, looking back, they admit they loved every minute of it.

#### 7.4.7 1997: Paula Nelson

Paula Nelson sounds like she should be in front of the mic as well as behind it. With a voice made for radio, Nelson spoke honestly about the trials she faced acquiring her station KBMB 103.5 “The Bomb.” The radio station debuted at number one and stayed there while she owned it. Nelson was focused and ambitious. Her goal was to sound like a station out of New York City or San Francisco. She unabashedly confesses, “I had my eyes set on them. I was the first person in this market to play hip hop and rap.” Her competition was not happy. She declares, “They demonized me. But guess what? All the music I played back then, they play now!”

Nelson says she first learned about Docket 80-90 after reading an article by Honig in *Black Enterprise* describing the opportunities for women and minorities to own radio stations. This was before cellphones and emails, so Nelson sent him a letter. Honig responded immediately, and she retained him as her attorney. Armed with a degree in communications from



San Francisco State University, experience working at the college radio station, and a wealth of local television news experience, Nelson applied for the frequency in 1987.

It took 10 years for her to be awarded the permit for the frequency and go on the air. Honig had plenty of experience filing for Docket 80-90 frequencies which prepared her for the realities of what lay ahead, so she understood the commitment needed and was ready. During that time, Nelson earned an MBA and continued honing her business plan. She flew to Washington, DC as much as possible and attended as many depositions as she could. She also started a family, and she jokes, “kept my day job working for the state of California.”

Located in Sacramento, CA, her frequency was one of the more popular ones, and 28 other applicants vied for the location. Some of the competition tried to buy her out, and she remembers a competitor offering her \$500,000 to leave the race. She says, “That’s when I knew I was onto something. They were willing to give me a half million dollars to walk away.” Nelson was the only Docket 80-90 applicant in this study who had an African American administrative law judge. Edward Luntun awarded the permit to Nelson, and she thanks Jesus for that. She believes she won the permit because she owned 35 percent of her company instead of the minimum 20 percent that was required. Also, she says, a large number of her competitors submitted sham applications.

After the permit was awarded to Nelson, she was challenged by a daytimer named Jack Powell. Powell owned KJAY in West Sacramento, CA.<sup>24</sup> He claimed he should have received more preferences points because of his daytime-only station. An FCC review board looked at Powell’s complaint, rescinded the license, and gave it to him. Six months later, Powell died, and

---

<sup>24</sup> “Obituaries: Jack Leonard Powell,” *Sacramento Bee* (Sacramento, CA), July 16, 1994.

the permit was available again. Instead of competing for the license, Nelson paid off her competitors, but she had to seek help from a venture capitalist.

Nelson did not construct the physical location for her station. Instead, she purchased a building that was home to a defunct radio station. She had to buy new equipment but says it was “pretty much turnkey and ready to go.” When her station debuted in 1997, a station out of San Francisco issued her a cease-and-desist order claiming they had the rights to the tagline “The Bomb.” Her attorneys challenged the claim, and she was able to keep the slogan. Nelson said the whole experience from the comparative hearing to operating the station was a good one. She says even during the unfortunate times, she learned valuable lessons.

## 7.5 Themes

Six themes emerged from my oral history interviews. I will discuss those now.

### 7.5.1 Low-Power Concerns

Six of the eight Docket 80-90 owners interviewed owned Class A stations. These are relatively low-power stations with signals that do not transmit very far. One might be able to hear a Class A radio station about 20 miles away. During their oral history interviews, the owners were honest about how this affected their ability to successfully compete with more powerful stations.

Mobley’s station was on the outskirts of Phoenix. His desire was to have a “respectable signal,” and his knowledge as an engineer allowed him to boost his signal and make technical adjustments that he says, “pushed the limits” but would not get him in trouble with the FCC. The FCC requires each station to have a contour that is a perfect circle. Mobley says he was able to “bump his out” on the side facing Phoenix.

For the Rogers, the smaller range of their Class A signal meant that they were impacted by larger stations in the area. There were also two other factors to consider—topography and the ocean. Morris jokes as he described their situation: “If you want to build up in California, you have to build in Arizona. The problem that we experienced was basically being unable to build a tower at a height based on distance, but we overcame that.” Evelyn Ray-Rogers adds, “Since we were on the coast, 40 percent of our signal went out to sea.” She continues, “Many of the 80-90 stations were on the fringe, not even secondary, but tertiary stations. Opportunity was there, but it was a struggle.”

There were a few exceptions. Hawes-Saunders said her low-power station was competitive in a medium-sized market like Dayton, OH. Nelson’s station was in the perfect location. It reached the entire city, and her targeted demographic could hear the station wherever they went. As for Charles, he owned a larger Class B1 station. He says he was able to reach his market and the outskirts of another one and was quite happy with that.

#### 7.5.2 Ad Sales

I have not spent a great deal of time discussing the financial limitations of the Docket 80-90 owners, because this topic has been the subject of quite a bit of scholarly research. Needless to say, access to capital was a major stumbling block for many of the Docket 80-90 owners I spoke with. Once the owners found proper financing for their stations and began airing, they had a difficult time attracting enough ad revenue to remain viable. These were the same issues that plagued minority broadcasters in 1977 at the Minority Broadcast Ownership Conference. Their concerns were still prevalent 15-20 years later.

In 1999, the FCC authorized the report “When Being Number One is Not Enough.” The study, conducted by the Civil Rights Forum on Communications Policy confirmed what many

African American broadcaster already knew: Advertisers were reluctant to buy commercials on Black-owned and minority-owned stations. Napoli says the study was controversial for the time because the FCC actually looked at this issue of discrimination in this area. He admits the study was not as robust as it could have been, but it exposed some very glaring issues.<sup>25</sup> The study shows that minority-owned stations with large audiences, have a difficult time generating ad revenue. Furthermore, the research conceded that ad agencies adhere to “no Urban dictates” and are told not to buy airtime on stations with urban formats. The report states, “Advertisers were also reported to pay less money for commercial time on stations that target programming to minority listeners.”<sup>26</sup>

Several Docket 80-90 owners experienced these issues. Short said advertisers felt like the urban stations were attracting predominantly Black listeners and young White ones. This demographic has historically been considered less desirable. One ad agency made it clear: “They didn’t want suspects. They wanted prospects. That’s a form of discrimination because they’re making the assumption because your audience may be Black, your audience cannot afford to buy what they sell.” This supports the idea that Black audiences are not appealing to advertisers. On the other hand, Short states,

If they “feel like they can get the Black customer without ever having to pay any money to attract the Black customer they ask ‘Why should I advertise my BMW dealership on this Black station? Most Black folks are going to buy the BMW anyway.’”

---

<sup>25</sup> Phil Napoli, PhD (professor, Duke University) in discussion with the author, September 24, 2021.

<sup>26</sup> Kofi Asiedu Ofori and Civil Rights Forum on Communications Policy, *When Being No. 1 Is Not Enough: The Impact of Advertising Practices on Minority-Owned & Minority-Formatted Broadcast Stations* (Washington, DC: Office of Communications Business Opportunities, Federal Communications Commission, 2001), 1–2.

Hawes-Saunders explains, “Advertising agencies didn’t know the value of the urban listener, and they did not understand that our consumers performed very well in terms of the products that we advertised” on all Black-owned stations.

Short gave this example:

Agencies would tell the White stations, ‘You’re number one, you’re number two, we want to buy airtime.’ But when we were number one, they told us ‘Congratulations. We’ve already made our buy for the year. We’ll catch y’all next year.’

A very similar scenario happened to Hawes-Saunders:

When I first started, we had a very, I think, very reasonable advertising package that we put together. And there was a bank president; he supported me. When we went on the air people were congratulating us new business and a new opportunity. And I went to an advertising agency and made a pitch in a presentation. And they decided not to buy advertising.

They didn’t give me what I considered to be a legitimate reason, so because I know the bank president and several of their bank branches are located in our communities, I scheduled a meeting with him. I shared with him what their ad agency said. He agreed. He said, our station is ‘brand new. There’s really no reason to advertise with you.’ I give him our projections, and he says, ‘Well, if this is such a good format, one of the other broadcast stations in the city would be doing it.’

When our ratings shot up, we received calls from this particular agency, and I told my sales manager, you can double the rate, or we can say no.

A few months later, Hawes saw the sales manager and he questioned her about their higher rates. She was very candid during their conversation and told him very clearly, “You insulted me. You insulted our listeners” and then she proceeded to explain why. Hawes-Saunders has heard a lot of stories similar to hers. She says all of the Docket 80-90 owners faced similar challenges “on an ongoing basis. Part of it was ignorance. Part of it was the fact that most of the advertising agencies were run by... Whites who did not know the value of the urban listener.”

Hawes-Saunders says her biggest challenge by far was in sales.

What keeps you going are the small mom-and-pop stores. They do the best that they can, but they are not big entities. They can’t pay that much for advertising. The local

sandwich shop might be able to spend a few hundred dollars with you, but they're not going to have the same kind of money as your big Lexus dealer or your main furniture store. Those companies have huge budgets for advertising.

Short adds, "Black people eat. We drive cars. We buy furniture. Why not advertise on our stations?"

### 7.5.3 Access to Capital

When Short's station went on the air, he was operating at a deficit and is honest in his admission that he was "underwater from the day he started" this process. The Telecommunications Act of 1996 added an extra burden to minority broadcasters. Mobley says it caused a "mass exodus" from the industry. Short's station was a casualty. He sold his station after broadcasting for almost six years. He said the intense competition from conglomerate Clear Channel gave him no choice. Hawes-Saunders eventually purchased an AM station. She had big plans for growth when the Telecommunications Act of 96 was enacted. Companies approached her asking her to sell. She refused; she says one of the companies that approached her "took her format and changed one its stations to urban contemporary." Hawes-Saunders eventually sold her station to Cathy Hughes and what was then Radio One.

In addition to the examples in this study of the broadcasters who borrowed against their homes, and maxed out their lines of credit, another theme that appeared involved borrowing from venture capitalist. Mobley and Nelson turned to SYNCOM to finance their stations. SYNCOM is a Black-owned venture capital company created in 1977. In fact, SYNCOM's president, Herbert P. Wilkins announced the company's formation at the Minority Ownership Conference. Former MTDP manager Maureen Lewis admits it is difficult for people to understand the business model of these companies. She says, "Their model is to invest and then turn over the equity quickly so

that they can leverage it to do something else. Venture capitalized projects don't have as long a glide path."<sup>27</sup>

Gamble emphasized it takes about five years for a business to become profitable. The same holds true for a radio station. Unfortunately, Mobley and Nelson were both forced to sell their stations long before they were ready. Mobley sold his station in 2000. Nelson sold hers to Entravision for \$17 million. She had a line of investors ready and made a counteroffer to SYNCOM, but it was not accepted. Both continued working in the radio industry. Nelson purchased an AM station that she eventually sold. Mobley became general manager of Nova M Radio Network.

#### 7.5.4 Racism, Sexism, Jealousy

At least two of the Docket 80-90 owners said they felt the sting of racism and sexism. For Hawes-Saunders, sexism appeared as the station became more successful and her ratings climbed. WROU was "Taking dollars out of the market and taking the market share. I was facing some very challenging circumstances." While she was grateful for her supportive husband who gave her room to thrive, other people were skeptical of her success. The competition began seeing her as a threat and started strategizing and making plans to halt or slow her rise. Hawes-Saunders says she had friends who would tell her what the sales managers were saying about her and WROU, and the comments were "different" from what they would say about their White male counterparts. Hawes-Saunders also wanted to make sure she set an example for her daughter. She felt "the push and pull of motherhood and being responsible for my family." She had friends who would babysit and help in other ways. Even though she had plenty of support,

---

<sup>27</sup> Lewis, discussion.

she would work during the day, go home at night, make sure homework was done and put her daughter to bed. As soon as that was done, she would go back to work. Her daughter was five when the station when on air, and Hawes-Saunders made her “the Vice President of fun and energy.” Hawes-Saunders made her business cards and carved out a space in her office. Nelson was confident she was treated differently because of her gender, but she says she did not let that bother her. She was driven by her purpose to give her listeners a voice.

#### 7.5.5 Commitment to Community and Culture

Each Docket 80-90 owner focused on building community and highlighted various aspects of African American culture and racial uplift. They also knew they held a megaphone and amplified Black voices. Hawes-Saunders said the station’s first community event focused on education. She shares:

We gave away a scholarship to the local community college full scholarship. I told the audience and listeners I am doing this because I want you to know how important education is. And I want you to be able to understand that education for our community is right here at the local community college, Sinclair Community College. It’s not as expensive as you think it is. So don’t think, young person who was in high school, that you can’t afford to go to school. Yes. You. Can.

Another example was addressing truancy at the local high school on days when standardized tests were administered. Hawes says she challenged the promotions team to

come up with something that can really give the kids an incentive to show up. And I want it to be something that is meaningful. So, the school that had the highest attendance on test-taking day would receive a concert, lunch.... They had the highest attendance in the history school system because each of the schools are competing. So, you’re talking about it on the radio, and then we’re going to the schools and we’re telling them and everything to get the kids exciting. And then we’re talking to the parents—make sure your kids are there on test-taking day. So, it was that kind of community involvement we participated in on a regular ongoing basis. I can give you example after example.

This benefited all school children from every background, she said.



During Black History Month, Gamble says her station would spotlight the achievements of African Americans. It would also highlight birthdays and anniversaries of local residents. They worked closely with Black fraternities and sororities to help them raise money for scholarships and charities. The station partnered with Gamble's school and purchased stadium seats as a fundraiser for the honor society. The school then sold the seats for a profit. The station was one of the first in the nation to air the *Tom Joyner Morning Show*,<sup>28</sup> and KTOY would rent chartered busses and take listeners to Joyner's live "Sky Show" in Dallas. Some 800 people participated in the "Take a Loved on to the Doctor Day" and Health Fair. Free immunizations were offered as well as screenings for sickle cell, diabetes, HIV/AIDS, prostate cancer, and more. After three years on the air, the *Texarkana Courier* (Texarkana, TX and AR), a Black newspaper in the area, featured Gamble and her partner on the front page where she is quoted saying, "A good radio station seeks not only to entertain, but also to inform and educate its listening audience...."

Short described how his station, WDRS, organized an annual Family and Unity Day community picnic:

What that day did was pretty much tied the entire community together. We came out. We had a big picnic in a state park, Oneida Shores. Filled it to capacity. We were more interested in the community at large as opposed to just giving them the hit music, which tends to be what a lot of stations do today—play the hits and give them one minute [of] news and [then play] music.<sup>29</sup>

Nelson says KBMB was a community station. Producer Suge Knight came to the station and before he left donated money for the station to take fireworks to the predominately Black

---

<sup>28</sup> For a detailed understanding of this show and its importance to Black Americans, see Micaela di Leonardo, *Black Radio/Black Resistance: The Life & Times of the Tom Joyner Morning Show* (Oxford University Press, 2019).

<sup>29</sup> "Going Dark, A Time of Change," directed by Hub Brown, 2000.

neighborhoods of Meadow View and Del Paso Heights on the Fourth of July. KBMB would also sponsor free Super Bowl parties. She says they also “had giveaways around the holidays and the station would give money to families during that time.” They also worked with the NAACP, and Urban League. They partnered with the former mayor and NBA star Kevin Johnson to co-sponsor arts and other cultural events at his charter school complex.

The Rogers’s KJMY co-sponsored an all-day event that provided face painting, live entertainment and more. The proceeds benefited a childhood cancer foundation in the Monterey, CA area.<sup>30</sup> All the owners were active in philanthropic causes outside their responsibilities with the station. Rogers, and Gamble are active lifetime members of Delta Sigma Theta Sorority, Inc., and Charles is an active member of Phi Beta Sigma Fraternity, Inc., Gamble is a member of the National Association for the NAACP, the National Education Association (NEA), the Arkansas State PTA, and the alumni club at her alma mater the University of Arkansas at Pine Bluff.<sup>31</sup> She served on the board of Southern Arkansas University and was a trustee at a college in Magnolia, AR. As a well-established prominent figure, she was frequently called upon to speak at events; she also volunteered with her church.

Before his station went on the air, Mobley was involved with making sure the holiday for Martin Luther King Jr. was recognized in the state of Arizona. Once Majic signed on, Mobley says he made sure the community came first. It was important for listeners to know they were the driving force behind the station. He covered local and national news and “pressing issues such as Rodney King and the Oklahoma City Bombing.” In fact, he says the station was responsible for

---

<sup>30</sup> “Candlelighters Barbeque,” *Californian* (Salinas, CA), April 4, 1996.

<sup>31</sup> “TASD Honors Emmie Jo Gamble as Distinguished Alumna,” *TexarkanaGazette.Com*, accessed August 21, 2022, <https://www.texarkanagazette.com/news/texarkana/story/2020/aug/24/tasd-honors-emmie-jo-gamble-distinguished-alumna/838764/>.

getting a large contingency of Black men from Arizona to attend the Million Man March in Washington, DC. The station aired special live broadcasts from the march. He recalls:

When it was over, we brought 20 Black men to the station, at various times, and we were just rapping about what we saw and observed. I also traveled to South Africa for the election of Nelson Mandela and sent back live reports. We took our listeners around the world to places they couldn't go on their own.

He says the station “highlighted social issues and sought out the people working silently and behind the scenes, not because they wanted to, but because there was no one to cover them.”

#### 7.5.6 Experiences with Racism

Many of the Docket 80-90 owners credit their families and their upbringing for their altruistic natures. Gamble's parents attended Bishop College and loved and encouraged their four children. Despite the racism and segregation they all faced, she says she had a very happy childhood. Her father and younger brother were a part of the cohort that integrated local schools. At the Black high school, her dad was the athletic director and the head high school football coach. He was Willie Davis's coach all throughout high school. When the schools integrated, her father was demoted to science teacher and sent to the middle school. Her brother was the star quarterback at the Black school but was not selected for the football team at the integrated school. She says those losses were tough to bear, but there were important lessons to be learned. She pauses and sighs as she says, “My father, my brother, and those kids who integrated the school made some big sacrifices, but somebody had to do it.”

Hawes-Saunders attended integrated schools as a child. When she was seven years old, her parents moved to a new neighborhood, and she says it was very clear that they were not welcome. She remembers, “The neighborhood kids won't play with me. I go to a school, and the kids won't talk to me. The teacher tells my mother, that I shouldn't be in that school because I

couldn't do the work on day one. It was clear the principal did not want me there." She says she learned some valuable life lessons, but her experiences were hurtful. Hawes-Saunders's parents were realtors and active in the civil rights movement. She knew she and her parents deserved to be in the new house, and her parents were careful to explain: "They we were doing something that needed to done not only for us but for our people." Those lessons stuck with her and taught her to "fight and not be afraid of challenges because then and only then can we move our race forward." She stresses the importance of learning and knowing our history and recognizing that "each individual person has a role to play."

#### 7.6 In Memoriam: Faye Brown-Blackwell

Faye Brown-Blackwell owned her Docket 80-90 station for 22 years. When she died in January 2015, KZWA FM was still on the air in St. Charles, LA. Her Docket 80-90 experience is included in this study because finding one of these owners was a rare occurrence.

Brown-Blackwell attended Southern University and graduated with a degree in elementary education. She taught high school and middle school for many years before retiring to serve as the first African American woman elected to the City Council. Brown-Blackwell had eight younger siblings, and she and her husband Fred had no children.<sup>32</sup>

Brown-Blackwell's good friend and former employee Anthony Bartie shared his memories of working at KZWA. Bartie is the court-appointed station manager of KZWA while Brown-Blackwell's estate is being settled. Bartie is president of the Calcasieu Parish Police Jury. Years

---

<sup>32</sup> American Press Staff, "Forerunner: Blackwell Has Made Mark in Business, Politics," *American Press* (Lake Charles, LA), May 5, 2013.

ago, he was the first and only African American bank manager in St. Charles, LA. When no other bank would give Brown-Blackwell a loan to build her station, Bartie did.

Brown-Blackwell was unwittingly involved in a “Rent-a-Black” sham. Her business partner Kent Foster purposely recruited unsuspecting African Americans to join carefully curated groups created by him. He had no intention of building a station; he wanted to win the permit and sell it. Brown-Blackwell did not know this, and she entered into the agreement with Foster in good faith. She had done her research and sincerely wanted to build a radio station. When Brown-Blackwell discovered what Foster was doing, she decided to build the station herself.

The signal for her station began transmitting to the Lake Charles, LA community on August 4, 1994. Assigned the frequency 103.5, KZWA played urban adult contemporary music that was appropriate for the entire family. Brown-Blackwell explained the concept this way: “We play a percentage [of] classics, a percentage of new songs... rhythm and blues, gospel, jazz.... We’ll play anything that’s good. We’re not going to play anything offensive, or anything with overtly suggestive words or lyrics.”<sup>33</sup> People were excited; this would be the first FM station in the area to program content specifically for African Americans.

While listeners enjoyed the station, Brown-Blackwell and her engineer were using some serious McGuyver techniques to hold things together. She used her personal property as collateral and was able to secure a \$175,000 loan from the first African American bank manager in Lake Charles—Bartie. According to Bartie, no one else would loan her any money—her own bank turned her down. Thanks to Bartie, she had enough funding to purchase her broadcast equipment and get her transmitter site up and running. However, she ran out of money before she

---

<sup>33</sup> Ed Alderman, “North Lake Charles Gets Some Urban Waves,” *American Press* (Lake Charles, LA) August 19, 1994, 33.

could purchase everything she needed. Bartie went to visit her one day and was shocked to see her “on-air personalities broadcasting the signal from the transmitter site. They would drive out to the transmitter site and play the music from the site.” They did not have the equipment to connect the transmitter to the studio. He explains, “They were sitting in their cars in the Southwest Louisiana sun.” He stresses, “It was summertime. They’re battling the elements, and mosquitos were everywhere.” Brown-Blackwell needed another \$25,000 to purchase a “Marti system,” said Bartie. Bartie made “an executive decision” and loaned her the money. He was prepared to get in trouble. Thankfully, he never did.

Brown-Blackwell’s station had a relatively powerful signal that could cover a large portion of the area reaching 60 miles to the west, away all the way to Beaumont, TX in one direction and another 50 miles to the east and Crowley, LA. Not only did her station cover a large swath of Interstate 10, but it also reached Fort Polk, an Army installation north of the city.

KZWA debuted with stunning ratings and came in number two in the market. At one time, KZWA was called “the hottest radio station in Southwest Louisiana.” Before it reached its second year on the air, it was ranked number one in the key demo: women and adults between the ages of 18–34 all day—from 6:00 a.m.–midnight seven days a week.<sup>34</sup> In response to the impressive numbers, Brown-Blackwell said, “We were delirious... That American dream works for us as well as everyone else.”<sup>35</sup>

Her sales skyrocketed. Bartie eventually left his position at the bank and went to work for Brown-Blackwell. He says the station was making \$90,000 a month. The director of sales was a

---

<sup>34</sup> Edward Gately, “Diversity in Business,” *American Press* (Lake Charles, LA), October 20, 1996.

<sup>35</sup> Edward Gately, “Diversity in Business.”

well-known, former TV news anchor<sup>36</sup> and others on the sales team had relationships with the local Coca-Cola bottling plant. The station was able to secure “90 percent market penetration. Back then Coca-Cola was buying six brands—Coke, Diet Coke, Sprite, Dr. Pepper, you name it, we had schedules for each one of them,” Bartie said. They also secured contracts with companies like Kroger and brands that always marketed to urban audiences like Burger King. A few other factors were working in their favor—the gaming industry spent quite a bit on ad sales because they had a referendum on the ballot and KZWA was able to take advantage of the Community Reinvestment Act.

The station continued to make money, and Foster still had a stake in it. Another broadcast company was trying to break into the Houston market, but Brown-Blackwell’s frequency was causing interference. She was offered here \$10 million to switch frequencies. Brown-Blackwell wanted to buy out Foster and made arrangements to do so, but when he learned about her multimillion-dollar offer, he renegotiated their deal. Bartie says she paid him millions. Brown-Blackwell eventually moved her frequency to 104.9 which is where the station sits on the dial today.

Her husband says she launched KZWA “more for the community than for herself.”<sup>37</sup> Brown-Blackwell was adamant that the format of the station cater to the Black community—her community. Bartie says, “The station *was* the community because it represented the community completely. If there was anything that was of interest to the Black community, or if anything that

---

<sup>36</sup> Alderman, “Urban Waves.”

<sup>37</sup> American Press Staff, “Forerunner: Blackwell Has Made Mark in Business, Politics.”

was going on in Lake Charles that affected the Black community, they knew to tune in to 105.3.” Bartie said without a doubt, listeners unequivocally supported her.

When the station premiered, she told the local paper that KZWA would one day sponsor the “Top 100 African-American Male and Female Role Models,” and she stayed true to her word.<sup>38</sup> The radio station also partnered with Oak Park Elementary.<sup>39</sup> Back to school events that offered free haircuts to boys were held.<sup>40</sup> One year, the station partnered with the Top Ladies of Distinction and held a rummage sale in the station’s parking lot. The proceeds went to local charities.<sup>41</sup> Brown-Blackwell also organized the MLK Coalition in honor of Dr. Martin Luther King Jr.<sup>42</sup>

On the second anniversary of the station, the soul singer James Brown performed a concert to commemorate the occasion.<sup>43</sup> After three years on the air, Brown-Blackwell said, “KZWA wants to provide a fun atmosphere, educate our community... keep them informed, and make their day a little better in some way. This is where we believe our success stems from. Keep it clean, fun and informative.”<sup>44</sup> The station was now using the following tagline: The Vibe—105

---

<sup>38</sup> “’95 MLK Festival Will Be Jan. 6-16,” *American Press* (Lake Charles, LA), December 16, 1994.

<sup>39</sup> “Class Notes: Oak Park News,” *American Press* (Lake Charles, LA), January 1, 1995.

<sup>40</sup> “MLK Coalition Teams with KZWA to Offer Free Haircuts for Boys,” *American Press* (Lake Charles, LA), August 9, 2003.

<sup>41</sup> “Community Rummage Sale,” *American Press* (Lake Charles, LA), October 24, 2007.

<sup>42</sup> The Associated Press, “Events Across State Honor King’s Memory,” *Times* (Shreveport, LA), January 17, 2012.

<sup>43</sup> “KZWA-FM 105.3,” July 25, 1996.

<sup>44</sup> “KZWA Offers Musical Variety, Sports, and More,” *American Press* (Lake Charles, LA), August 14, 1997, 42.



and was operating off of an even stronger signal.<sup>45</sup> On its six-year anniversary, a golf tournament with proceeds benefiting “The Members Only Scholarship Fund.”<sup>46</sup>

Throughout the years, Brown-Blackwell received several offers to sell, but she did not. Bartie says she wanted to make sure the community had a voice, and that meant more than money to her. Brown-Blackwell understood the importance of her medium. She once proclaimed, “We are about communications. This world will not move forward without communications. KZWA is a powerful medium that reaches the masses with all sorts of messages—music, news, sports and advertising...” She told a local magazine, “If you want to say I am powerful, it is only because God has blessed me with a powerful tool—one that allows the spoken word into the homes, cars and anywhere people are—that’s radio.”<sup>47</sup>

---

<sup>45</sup> Therel Gray, “KZWA FM: Three Years Old This Month,” *Gumbeaux Magazine*, August 28, 1997, KZWA FM: Three Years Old this Month.

<sup>46</sup> “KZWA: FM: Rock the House with The Vibe,” *American Press* (Lake Charles, LA), July 9, 1998.

<sup>47</sup> “Cover Profiles: Faye Brown Blackwell General Manager & Owner KZWA-FM Radio,” *Louisiana Black Pages*, 1996-1995.

## Chapter 8: Afterword, Conclusion, and Future Research

Every two years, the FCC requires broadcasters to submit demographic details about their radio and TV stations. This includes information about the race, gender, and ethnicity of the people who own these facilities. Results from the most recent report released in October 2021 are startling: African Americans only own two percent of these outlets.<sup>1</sup> When the FCC adopted policies to increase minority broadcast ownership in 1978, minority broadcast ownership was less than one percent. The current numbers, while slightly higher, cannot be considered an improvement.

On July 25, 2023, the Multicultural Media, Telecom & Internet Council (MMTC) held its yearly Former FCC Chairs' Symposium. Richard Wiley, Johnathan Adelstein and Mignon Clyburn attended the virtual event. The public was invited to ask questions, so I asked the panel why ownership numbers remained virtually unchanged. Wiley, who was FCC chairman in 1977 and convened the Minority Broadcast Ownership Taskforce conference, answered first. He blamed the dismal growth on the lack of funding. He explained:

The problem has always been access to capital. And that's why I think my commission tried to do something about that... We had to try to find solutions to it. Incubator programs have been tried, but they haven't always worked. And I don't have a total solution to it. But certainly, there's been every effort made by the FCC—back when I was there and by current commissions.

Mignon Clyburn also responded to the question I asked and had a different opinion. She stressed the Commission had been too “timid” at times regarding increasing minority ownership. She said

---

<sup>1</sup> “Commissioner Starks Remarks to CEDC Media Ownership Diversity Symposium” (FCC’s Communications Equity and Diversity Council (CEDC) symposium, “Expanding Digital and Media Ownership Opportunities for Women and Minorities,” Washington, D.C, 2023).

decisions by the Supreme Court in the 1990s that slowly began chipping away at affirmative action did not help.<sup>2</sup> Those measures, she said, “dictated some of [the Commission’s] next steps and decisions when it relates to any type of effort to address these challenges.” She also said the FCC’s “general counsel’s office was too strict in its interpretation” and “stifled” the FCC’s ability” to take action. As evidenced in this dissertation, both Wiley and Clyburn were right in their assessment.

### 8.1 Summary of Results

My research examined the government’s efforts to increase minority ownership of FM radio stations. To quickly review, when Jimmy Carter was elected president, he was intent on providing opportunities for minorities and women to enter all aspects of government. Through the equal employment opportunity initiative and affirmative action, his administration promoted contracting service from minority-owned businesses and hiring minorities and women at all levels of the federal government. The Carter administration was also laser-focused on increasing minority broadcast ownership. Carter’s FCC released the “A Statement of Policy on Minority Ownership of Broadcasting Facilities” along with initiatives aimed at increasing the number of Black-owned radio and TV stations. After many years of being ignored, citizens groups were cautiously optimistic about these efforts. Nevertheless, they worked with Congress and the Carter administration hoping their work would result in more minority broadcast owners.

Right around the same time, two ordinary citizens asked the FCC to make technical changes that would add more stations to the FM band. George W. Phillips and Serge Bergen

---

<sup>2</sup> See *Metro Broadcasting, Inc. v. Federal Communications Commission*, 497 U.S. 547 (1990) followed by *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995).

made the requests in 1975 and 1978 respectively. They provided the agency with detailed calculations and plans to make that happen. Meanwhile, Carter tasked his newly created NTIA with leading efforts to diversify broadcast ownership. With Henry Geller at the helm, the NTIA made a compelling case to the FCC: Adding more stations to the band would aid in efforts to increase minority ownership—an important goal of the Carter White House.

The FCC opened this up to public debate and in 1983, FCC Docket No. 80-90 was adopted. A total of 689 new frequencies were created and made ready for public consumption; however, Carter was no longer in the White House. President Ronald Reagan was leading the country, and he was very much opposed to affirmative action and other federal measures that would help minorities. Henry Fowler, who was FCC chairman at the time, made a pressing case for daytime-only radio owners to receive preferences for the new stations. By the time his commission implemented Docket 80-90, the benefits intended for minorities were severely reduced. His commission essentially negated whatever gains minorities would make. Henry Rivera served as the first Hispanic Commissioner during Reagan's first term and spoke out against this move. He says he felt a responsibility to

stand up for minorities and women because there was no one else who seemed interested in doing it. Moreover, fostering the interests of minorities and women was necessary because the new Republican administration at the FCC was moving to dismantle many pro-diversity initiatives at the FCC.<sup>3</sup>

His lone voice, while important, was drowned out. Reagan appointees were firmly in place at the FCC, and the goal of increasing minority broadcast ownership was abandoned. Docket 80-90 was implemented, but not before it was substantially altered to the detriment of helping minorities and women enter ownership.

---

<sup>3</sup> Henry Rivera, email message to author, May 12, 2021.

The number of Docket 80-90 building permits awarded to African Americans is unknown, but this study was only able to find and profile a handful of Black men and women who won Docket 80-90 building permits and subsequently went on the air. Ro Nita Hawes-Saunders, Emmie Jo Gamble, Art Mobley, Evelyn Ray and Morris Rogers, Faye Brown-Blackwell, Robert Short, Merrill “Butch” Charles, and Paula Nelson spent exorbitant amounts of money during the comparative hearing process and then faced insurmountable challenges getting and keeping their stations on the air. Despite this, they aired new formats, created jobs and focused on community outreach, and racial uplift.

Their stations, which aired in Dayton, OH; Texarkana, AR; Buckeye, AZ; Seaside, CA; St. Charles, LA; Phoenix, NY; Syracuse, NY; and Sacramento, CA, were the first Black-owned FM radio stations in their respective communities. Each station was wildly popular and very necessary, as they became the voice of their respective African American communities.

Hawes-Saunders, Gamble, Mobley, the Rogers, Brown-Blackwell, Short, Charles, and Nelson each loved being radio station owners and were successful for various periods of time. They were hopeful, excited, and more importantly willing, to take on the incredible opportunity of radio ownership. It certainly was not easy, but as Ray Rogers maintains, “The opportunity was there... it was a unique struggle.”

William Siemering writes, “Radio is the most democratic of media both in providing easy access to citizen participation and in being widely available.”<sup>4</sup> These African American broadcasters understood that the power of a thriving democracy rests in the ability of its public to be informed. The Docket 80-90 stations featured in this dissertation gave African Americans a

---

<sup>4</sup> William Siemering, “Radio, Democracy and Development: Evolving Models of Community Radio,” *Journal of Radio Studies* 7, no. 2 (November 1, 2000), 373.

voice—even if, in some cases, it was for only a short period of time. Docket 80-90 owner Robert Short observed,

After a brief five and a half years on the air, we were a standalone radio station providing a locally owned and programmed voice for the African American community of Syracuse. We provided local news and public affairs programming without regard to oversight from any distant corporate parent.<sup>5</sup>

The sentiment was the same for Ro Nita Hawes-Saunders who said her station allowed the community to set goals and problem-solve. She states, “It enhanced lives.” Meanwhile, Jim Winston, executive director for the National Association of Black Owned Broadcasters (NABOB) explained the importance of Black media in general:

Black people rely upon Black-owned media to get the truth out. They look to us for truth in a complex world. We are the trusted voice in our communities, and that makes a huge difference. It is the connection to the community that we bring when we speak to the community... a voice that it knows and respects and knows that it is connected to the community, and that makes a difference, and that difference is reflected in many ways.<sup>6</sup>

Ultimately, the Docket 80-90 owners interviewed in this study loved being broadcasters. Art Mobley says not a day goes by when “I don’t hear from somebody who says, ‘I remember you.’”

## 8.2 *Destined to Fail*

Despite the optimism of the Docket 80-90 owners in this study, this initiative was destined to fail. Like previous efforts to increase minority broadcast ownership, Docket 80-90 was stunted and stymied by what Brinson says is “a complex combination of economics, judicial review, and politics.” Efforts to help minorities navigate the process of owning a broadcast facility were subject to” fluctuating judicial reviews until they ultimately rejected as

---

<sup>5</sup> “Media Ownership,” C-SPAN video, 1:06:09, Jan 30, 2003, accessed April 15, 2021, <https://www.c-span.org/video/?174837-1/media-ownership>.

<sup>6</sup> Winston, discussion.

unconstitutional,” and the FCC was caught in the crossfire between “competing economic, legal and political forces.”<sup>7</sup> When Docket 80-90 was passed, Democrats were in power. When Docket 80-90 was implemented, Republicans were in power. As this dissertation shows, Docket 80-90’s success was predicated on the very nature of who controlled the White House, hence the FCC, the courts and economic policy. The political will to commit to increasing minority broadcast ownership has dwindled since the late 1970s.<sup>8</sup>

When the trade magazine *R&R* celebrated its 20th anniversary in 1993, it listed the top headlines from each year of publication, based on reader opinion. The biggest story for 1983 was “FCC Docket 80-90 Plan Creates 1000 New FM Opportunities.” But the excitement was short lived. Herb Drill questioned the effectiveness of the rule and suspected communications attorneys, broadcast consultants, and program syndicators stood to make incredible financial profits. He cautioned: “[M]inorities, among the people intended to benefit from Broadcast Docket #80-90, will be hard put to reap much financial gain.”<sup>9</sup> Broadcaster Cary Simpson had similar feelings. He observed:

It was conceived to benefit minorities in metropolitan areas, who had been unable to achieve ownership in radio. [The] benefits of 80-90 were vastly oversold.... The scarcity of ‘new’ channels in metro areas became apparent when eager minority groups began seeking places to apply. It was a cruel hoax to play on these worthy and anxious citizens.<sup>10</sup>

---

<sup>7</sup> Brinson, “Radio Cultures,” 11.

<sup>8</sup> Brinson, “Radio Cultures,” 11.

<sup>9</sup> Herb Drill, “What You Should Know About Radio’s 2,000 Potential New Competitors,” *Radio Only*, November 1983, 9.

<sup>10</sup> Jack Messmer, “Small Market Owner Urges LPFM Bypass,” *Manager’s Business Report* 3, no. 8 (August 1999), 14.

Meanwhile, *Broadcasting* printed the following: the goal of “putting financially qualified individuals—minorities and women, whenever possible—who have no other broadcast properties... is ‘laudable.’<sup>11</sup>

African American media mogul Skip Finley testified before the FCC in 1985 and shared his reservations about Docket 80-90:

You’re going to reapportion the radio band and squeeze a bunch of tiny radio stations in there so they won’t interfere with others and give us an opportunity to start with those stations that we know are technically inferior and as a result will fail.

Finley is a former radio station owner who has also managed more than four dozen stations in 17 markets. Some stations had billion-dollar budgets. Finley maintains White Democrats were trying to do something to solve the problem of minority broadcast ownership, but their efforts fell short. He explains,

Let’s find a way to put these tiny radio stations in Black peoples’ hands. It’s great for public policy, but it’s meaningless in terms of the real world and the competition that is out there. They had all the good intentions in the world, but if I own a 100,000-watt radio station, you’re not going to compete with that, but only because more people can hear me than can hear you. So, you’re already starting with one hand tied behind your back. But I think this was about trying to get Black people something.<sup>12</sup>

Winston provided this sobering assessment:

The net result of the 80-90 hearings was that the great boon to minority ownership that was supposed to occur because of these enhancement credits that were going to be given to minorities resulted in very small number of actually minority-owned companies. We don’t have any exact tally on them, but we at NABOB only got a couple of new members as a result of all that. For the most part, you saw minorities dropping out, settling with other companies taking a small piece of someone else’s station in exchange for a settlement. You rarely saw minority-owned companies getting control of those licenses.<sup>13</sup>

---

<sup>11</sup> “Law & Regulation: Sonrise, Sikes May Drive Reform of Comparative License,” 57.

<sup>12</sup> Skip Finley (former vice chairman, National Association of Broadcasters) in discussion with the author, July 21, 2021.

<sup>13</sup> Jim Winston, Indiana University, Archives of African American Music and Culture (AAAMC), Black Radio: Telling It Like It Was, circa 1920s–1997, bulk 1991-1995, SC 39, Jim Winston W., DAT 193.



Essentially, the new opportunities and good intentions touted in the late 1970s and early 1980s had been abandoned.

Some 6,536 commercial FM stations now operate in the United States. Only 111 or 1.6 percent of those are owned by Black people.<sup>14</sup> Even though this dissertation ends where it began—with the dismal state of minority broadcast ownership—it strikes a more hopeful tone with recommendations for government and industry officials who today are still looking for solutions to the problems presented in this study. My findings allowed me to suggest a number of ways to improve these issues going forward.

While the FCC and various official and unofficial actors advocated for minority ownership, these groups did little to ensure continued operations by the African Americans who were awarded permits to build FM radio stations. In the future, programs should be created that do more than open doors to new opportunities. Programs should shepherd these new broadcasters around pitfalls encountered during their first five years of ownership. Guidelines promoting “best practices” should be created and distributed, and a mentorship program should be instituted by pairing new owners with a mentor. For example, Docket 80-90 owner Paula Nelson in Sacramento, CA, took it upon herself and found a mentor in Docket 80-90 owner Loretta Lever in Little Rock, AR. It is impossible to know, but the outcomes of the owners might have been different if they all knew each other and had someone to commiserate with, seek advice from, and share their successes and journeys. Last but not least, NTIA should revive the Minority Telecommunications Development Program (MTDP) and continue publishing its annual report

---

<sup>14</sup> Media Bureau and Office of Economics and Analytics, Federal Communications Commission, “Sixth Report on Ownership of Broadcast Stations,” January 13, 2023.

on the state of minority-owned media companies and include a directory of those companies. In the 2000s, the report was quite robust and forward thinking in terms of assessing the needs of not only traditional media but broadband and other new technologies.

In 2021, Congress considered a bill to promote minority broadcast ownership.

Representative Kenneth Butterfield, a Democrat from North Carolina and who has since retired, was the sponsor of this bill. The bill aimed to reintroduce the Minority Tax Credit. When I asked Butterfield about his motivations, he replied,

America is a nation rich in diversity and ownership of media broadcast stations should be just as diverse. Minority-owned broadcast stations offer platforms for stories and viewpoints that may otherwise go ignored, and studies show that minority-owned broadcast stations are more likely to make diverse hires.... The Expanding Broadcast Ownership Opportunities Act will give women, people of color and socially disadvantaged individuals a voice and a viable presence in the broadcast industry.<sup>15</sup>

In April 2024, a group of Democratic congressmen and women picked up where Butterfield left off and introduced legislation in support the Minority Tax Credit. The Broadcast VOICES Act, which stands for Broadcast Varied Ownership Incentives for Community Expanded Service, is cosponsored by Sens. Debbie Stabenow, Tammy Baldwin, Brian Schatz, Richard Blumenthal, Amy Klobuchar, Ben Cardin, and Rep. Steven Horsford.<sup>16</sup> This study could serve as a guide to legislators ensuring the successful outcomes for efforts to increase minority participation in broadcasting.

---

<sup>15</sup> G.K. Butterfield, email message to the author, September 7, 2021.

<sup>16</sup> Steven Hosford, "Horsford Introduces the Broadcast VOICES Act to Enhance Diversity in Broadcasting Ownership," Accessed March 30, 2024, <https://horsford.house.gov/media/press-releases/horsford-introduces-the-broadcast-voices-act-to-enhance-diversity-in-broadcasting-ownership>.

### 8.3 Limitations and Future Research

While this dissertation approached a topic that has largely been overlooked by scholars and has examined in great detail minority broadcast ownership and Docket 80-90, it is in no way complete. My ability to find more African American Docket 80-90 owners was hampered by a number of constraints outside my control. For example, data on minority ownership has been compiled and released by a hodgepodge of agencies, trade and citizen groups, individuals and the media. Sometimes, the information provided by these various sources corroborated and drew the same conclusions. Other times, the information was a display of spectacular contradictions. In most cases, it was inconclusive or no longer existed.

The “orphans” in the archives were a hinderance too. I found documents with missing pages that might have been useful had they been complete. There were also items without dates. It was difficult to determine if these documents were comments or reply comments. The sheer size and nature of the FCC archives made this a daunting (yet interesting) task.

This study examined the government’s efforts to increase minority broadcast ownership through Docket 80-90. It focused on African Americans who were able to own and operate FM radio stations in the 1990s because of these measures. There is much more to be explored with this topic. Future areas of research include:

- Interviewing community members from the cities featured in this dissertation to learn about the impact these new, Black-owned radio stations had on their lives,
- Conducting oral history interviews with individuals from other ethnic and racial groups who were able to build Docket 80-90 radio stations,
- Conducting interviews with first-time religious broadcasters who own(ed) Docket 80-90 radio stations,
- Assessing all the comparative hearings for the Docket 80-90 stations and tallying the number of minorities who were awarded building permits (I expect to find very few minority applicants),
- Much has been written about the rise of right-wing radio in the 1990s. Is there a correlation between deregulation and the new Docket 80-90 stations that went on air during this time and the popularity of right-wing media?

- During my data gathering period, I discovered that the FCC kept EEOC records for every broadcast outlet in the country. There were dozens of books filled with the number of minorities and women working at every media outlet in all 50 US states. This data could easily be mined to find important, interesting information such as hiring trends and more.

#### 8.4 A New Definition of Success

Perhaps a new definition of “success” should be instituted for Black-owned media companies—one based on uplifting the community and not centered on ratings and financial gain. The focus would be on culture and what Hill calls “intracommunity” and “intercommunity communications.” Perhaps these are the goals to which Black-owned media outlets should aspire. This would allow Black media to “portray the distinctive character of their own life-style without the muddled distortions that often emanate from the white perspective of the Black world.”<sup>17</sup>

Operating a business is costly; it would be naïve to think not having an immense amount of money in one’s coffers is crucial. Good ratings are important. The number of clicks is too. Ratings and views determine ad rates, which in turn bring in revenue and sponsorships, which are then used to pay its employees, creditors, sponsor events, and help in the general upkeep of the business. However, Docket 80-90 owner Ro Nita Hawes-Saunders made a prophetic comment to former radio DJ and journalist Walt Love. In 1993 she told him: “Radio, as a business, has to have a sense of purpose that goes beyond the whole area of just doing music. We have to be able to give a lot to the people who listen to us.”<sup>18</sup> Former FCC Commissioner Nicholas Johnson made a similar statement in 1968 at the National Association of Radio and

---

<sup>17</sup> Hill, “The Broadcast Industry and Black Cultural Restitution.”

<sup>18</sup> Walt Love, “Breaking Through Barriers: Two Women Who Have Surmounted the Stigma of Being ‘Double Minorities’ and Become Station GMs,” *R&R*, September 10, 1993, 66.

Television Announcers conference, an African American organization. Those in attendance mainly worked in entry-level and on-air positions and had no control over content. Nevertheless, he told attendees their purpose must extend beyond money and profit.<sup>19</sup> That is a belief he still holds today. Johnson told me broadcasting must serve the public and must be of public service. If Black-owned radio stations did not have to worry about their finances, I wonder how they would program their stations. I believe Black Twitter, Instagram and podcasts have given society a glimpse of many of the concerns of African Americans. These relatively new forms of media have allowed African Americans to do so and infuse it with humility and humor—depending on the topic.

#### 8.5 Black Political Economy of the Media

I propose an elaboration on the political economy of the media to consider the specific Black political economy of the media (BPEM). This adds race as fifth element to the traditional definition of political economy espoused by Mosco: “social relations, particularly the power relations, that mutually constitute the production, distribution, and consumption of resources, including communication resources and one that extends beyond cultural political economy.”<sup>20</sup> In the 1960s and 1970s, Black economists began looking at economic inequalities along racial lines. They wondered what economic models would look like based on the Black economy and Black labor. Lloyd Hogan’s *Principles of Black Political Economy* was the first textbook dedicated to this subfield of study. His work focused on Blacks and the various societal and

---

<sup>19</sup> Nicholas Johnson quoted in Hill, “The Broadcast Industry and Black Cultural Restitution.”

<sup>20</sup> Vincent Mosco, *The Political Economy of Communication*, 2nd ed. (Los Angeles: SAGE, 2009), 268.

political currents converging on this group of people. Others wrote about the subject, but Blacks were treated as “an afterthought.”<sup>21</sup>

Drawing on Carolyn Byerly’s work on intersectional political economy (IPE) which concerns itself with media “ownership, policy, impact” and “gender, race, and class,”<sup>22</sup> BPEM will look at these facets with a special emphasis and focus on the African American experience. Byerly’s assessment that White men hold the power and largely profit from telecommunications regulatory processes is key to theorizing BPEM.<sup>23</sup> She notes: “The notion of having a theory that acknowledges a ruling class—that is, a power elite—has a useful appeal.”<sup>24</sup> As such, race and the assessment of the historical treatment of Blacks (the racism they have faced and their access and relationship to the media),<sup>25</sup> is central to this expanded approach of political economy of the media. Byerly “contends that the gender, race, and class of those who organize, finance, and manage day-to-day operations of commercial media systems under capitalism are predictors of who has access to and full participation in media processes, including production and content.”<sup>26</sup> I agree. For BPEM, while race, gender and class are powerful predictors, race is particularly powerful. Mosco admits that “A categorial understand of race, like that of class and gender,

---

<sup>21</sup> Lloyd L. Hogan, *Principles of Black Political Economy* (Victoria, BC: Trafford, 1999), x.

<sup>22</sup> Carolyn M. Byerly, *Intersectionality, Political Economy, and Media* (New York: Routledge, 2024), 16.

<sup>23</sup> Carolyn M. Byerly, “Gender Dimensions of Communication Industries: A Political Economy Analysis,” in *The Handbook of Gender, Communication, and Women’s Human Rights*, eds. Margaret Gallagher and Aimé Vega Montiel (Colton Point: Wiley, 2023).

<sup>24</sup> Byerly, *Intersectionality, Political Economy*, 19.

<sup>25</sup> Gandy, “*Communication and Race*.” See also Massey, *Categorically Unequal*.

<sup>26</sup> Byerly, *Intersectionality, Political Economy*, 36.

addresses the different access to communication that racial divisions bring about.”<sup>27</sup> As demonstrated throughout this dissertation, Black Americans have shared experiences and a unique relationship with the media and how they are perceived and represented. This framework will help researchers assess how and why Black media serves their constituents and how these efforts are significantly affected through deregulation and with regulatory restraints by political dynamics and economic forces. Second, it will assess how and why African Americans rely on Black media. Last, but not least, it will focus on media ownership and the government’s influence in this area.

Along the vein of the work by Patricia Hill Collins and Hogan, my expansion centers on Black peoples’ experiences. Hogan maintains, traditional political economy failed to address “the creation of the people themselves who are simultaneously subjects, objects, and result of economic activity.”<sup>28</sup> A.J. Rice says the historical situation of Black Americans was “borne from necessity, study, and an incessant will toward freedom.”<sup>29</sup> This must be considered as well. I put forth this theory hypothesizing that a Black collective boom, unlike any seen before, will thrive and will provide something far more valuable than money can buy: a means through which Black people are given a stable and reliable way to voice their opinions, hold their leaders accountable, and bring attention to matters that major media outlets still tend to ignore. If, as I theorize, this is the driving force behind BPEM, will this coverage have any impact on how government officials behave? Will these Black-owned outlets influence economic indicators?

---

<sup>27</sup> Mosco, *The Political Economy of Communication*, 236.

<sup>28</sup> Hogan, *Principles of Black Political Economy*, 9.

<sup>29</sup> A.J. Rice, “Political Economy and the Tradition of Radical Black Study,” *Souls* 22, no. 1 (January 2, 2020), 44, <https://doi.org/10.1080/10999949.2020.1804805>.

What broad conclusions can we draw from these answers? I have made it clear that lackluster efforts by the government have had a deleterious effect on minority broadcast ownership. I believe ownership numbers would be higher today had President Carter's goals been carried out to fruition. This crosses the entire telecommunications spectrum and applies to wireless technology as well.

The college administrators who attended the Minority Ownership Task Force meeting in 1977 represented predominately Black institutions. They shared their curricula and explained that they were teaching their students all aspects of the broadcast industry. Imagine what could have been if the FCC had established a minority ownership incubator program at some of these historically Black colleges and universities (HBCUs). Better yet, where would this industry be had the HBCUs obtained educational TV and radio licenses as easily the predominately White institutions?

In 1974, Carlton B. Goodlett wrote: "Communications—written, audio and audiovisual—are the matrix which can either unite us as a people, or, if misused by the majority group, can encourage and propagate institutional racism, both overt and covert."<sup>30</sup> I believe BPEM will speak to Goodlett's declaration and Barlow's belief likening Black media outlets to "talking drums."<sup>31</sup>

### 8.6 Don't Touch that Dial!

We are at a juncture where technology and convenience are competing with our ability to communicate collectively as a society. Will radio matter in the future? Because of Kathryn

---

<sup>30</sup> Carlton B. Goodlett, "Mass Communications, USA: Its Feet of Clay," *The Black Scholar* 6, no. 3 (1974), 3.

<sup>31</sup> Barlow, *Voice Over*, 294.



Hosford's work, authorities use AM radio to communicate with each other and the public during natural disasters. Despite this, Automakers such as BMW, Tesla, and Volkswagen are removing AM radios from electric vehicles (EV) because the electric engines cause interference and make the radios sound like they are full of static.<sup>32</sup> Ford and Lincoln will keep AM radios in their new vehicles thanks to pressure from Congress and the fact that AM radio is essential in emergency situations. According to Ford CEO Jim Farley, Ford will also offer a software update to restore AM broadcast capability to existing Ford EVs that do not have it.<sup>33</sup>

Mobley cannot imagine a world without radio. He says this medium is powerful and explains: "I still think that radio could have that influence even today. If Black people were given stations in major markets, people would go back to radio, people would step away from all of the other ancillary media, and they would stream radio." Nelson shares similar thoughts and says even though the technology has changed, radio is still a great medium."

Each decade has brought with it new advancements and ideas on how to deal with advances in the communications industry. The Carter White House focused on FM radio expansion, spectrum management, closed captioning for the hard of hearing, UHF TV development. At the time, FCC Commissioner Tyrone Brown encouraged African American broadcaster to explore opportunities outside of traditional broadcasting. There are larger implications embedded in the advice he doled out almost 50 years ago. It is prudent and appropriate for today's times. What future innovations may one day replace radio? Will

---

<sup>32</sup> Marc Fisher, "End of a Love Affair: AM Radio Is Being Removed from Many Cars," *Washington Post*, May 13, 2023.

<sup>33</sup> Associated Press, "Ford Reverses Course and Decides to Keep AM Radio on Its Vehicles," NPR.org, May 24, 2024, <https://www.npr.org/2023/05/24/1177845707/ford-keep-am-radio-on-its-vehicles>.

minorities, specifically African Americans, be in a position to take advantage of owning it and distributing its contents? And finally, will regulations be in place to promote that growth? When a variety of voices and opinions are given ways to speak, our society is much better for it. Radio allows for this.

# Bibliography

## Primary Sources

Federal Communications Commission, National Telecommunications Information Administration, and Office of Telecommunications Policy

“ADDITIONAL HISPANIC-OWNED STATIONS NEEDED FOR MARKET PARITY: A SUPPLEMENT TO "DEMAND FOR NEW MINORITY-OWNED RADIO STATIONS," January 26, 1981, Record Group 173, vol. 5, box 19, National Archives at College Park, MD.

Albrecht, Theodore. Theodore Albrecht to Mr. N.M. Tricario, May 13, 1979, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

Anselmo, Rene. Rene Anselmo to Ms. Martha M. Mitchell, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 13, Jimmy Carter Library.

Baustian, Robert. Robert Baustian to Mr. William J. Tricario, May 13, 1979, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

Bernstone, Arthur H. Arthur H. Bernstone to Mr. Daniel Mahoney, September 29, 1979, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

Campbell, Scott. Scott Campbell to Mr. Charles E. [sic] Ferris, April 27, 1979, Record Group 173, FCC Docket No. 80-90, vol. 6, box 19, National Archives at College Park, MD.

CHARTER of the ADVISORY COMMITTEE ON AM BROADCASTING IN REGION 2, Minutes of Meetings 1980, Minute #338-A-80. September 10, 1980. Commission Open Meeting (B/C), Group 173, box 7, Appendix A, National Archives at College Park, MD.

CHARTER of the ADVISORY COMMITTEE ON RADIO BROADCASTING, Minutes of Meetings 1980, Minute #338-A-80, September 10, 1980, Commission Open Meeting (B/C), Group 173, box 7, Appendix B, Archives at College Park, MD.

COMMENTS OF THE NATIONAL BLACK MEDIA COALITION, CONCURRING IN PART AND DISSENTING IN PART TO THE DRAFT "REPORT ON RADIO ALLOCATIONS PRIORITIES" OF THE ALLOCATIONS SUBGROUP, ADVISORY COMMITTEE ON RADIO BROADCASTING, February 25, 1981. Record Group 173, vol. 5, box 19, National Archives at College Park, MD.

Comments of National Black Media Coalition on Congressional Black Caucus' Petition to Formulate a New Policy to Promote Minority Ownership of Broadcast Properties. 3, February 2, 1977, Communications Workshop Meeting: Minority Ownership in Non-

Commercial Broadcasting 6/30/77, Office of the Assistant to the President for Special Projects, box 5, Records of Martha (Bunny) Mitchell, Jimmy Carter Library.

Compendium of Statements and Opinions of Commissioner Benjamin L. Hooks on Minority Ownership in the Broadcasting Industry, Prepared for Federal Communications Commission's Minority Ownership Conference, April 25-26, 1977, Communications Workshop Meeting, 7/7/77, box 5, Washington, DC Martha (Bunny) Mitchell, Jimmy Carter Library.

Concurring Statement of Commissioner Tyrone Brown, Re: Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments, 45 Fed. Reg. 55, (adopted February 28, 1980), 17603.

"DEMAND FOR NEW MINORITY-OWNED RADIO STATIONS," David Honig Research Director, National Black Media Coalition November 25, 1980. Record Group 173, vol. 5, box 19, National Archives at College Park, MD.

Department of Commerce National Telecommunications and Information Administration: Budget Estimate, Fiscal Year 1980 OMB Submission, (National Telecommunications & Information Admin.) NTIA—Budget FY80, Domestic Policy Staff Simon Lazarus's 1976 Campaign Transition Files, box 4, Jimmy Carter Library.

DISSENTING STATEMENT OF COMMISSIONER HENRY M. RIVERA RE: Second Report and Order in Docket 84-231 In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments. MM Docket No. 84-231, SECOND REPORT AND ORDER, Adopted March 14, 1985.

Dissenting Statement of FCC Commissioner James H. Quello In Re: FM Drop-Ins, Docket No. 80-90. May 26, 1983, Blog, Quello Center Media & Information Police.  
<https://quello.msu.edu/dissenting-statement-of-fcc-commissioner-james-h-quello-in-re-fm-drop-ins-docket-no-80-90/>.

Eligibility Criteria Favoring Minority Ownership in the Licensing of New FM Radio Stations, Appendix C. June 29, 1982, RG 173, Docket No. 80-90, June 1991, vol. 6, box 19, National Archives at College Park, College Park, MD.

Fact Sheet: The Administration's Minority Broadcast Ownership Programs. October 18, 1979, Domestic Policy Staff, Steve Simon's Subject Files, box 92; Jimmy Carter Library.

Federal Communications Commission 34th Annual Report/Fiscal Year 1968.

Federal Communications Commission Agenda Item, January 23, 1984, Minutes of Meetings 1971-1989. Box 1, Minute #49-A-84 March 1, 1984, Commission Open Meeting (Policy), National Archives at College Park, MD.

Federal Communications Commission, Agenda Item, January 3, 1986, Minute #39-A-86, February 10, 1986, Commission Circulation (MM), Group 173-90-20 box 2, National Archives at College Park, MD.

Federal Communications Commission, Media Bureau and Office of Economics and Analytics, "Sixth Report on Ownership of Broadcast Stations: FCC Form 323 and Form 323-E Ownership Data as of October 1, 2021" (January 2023).

Federal Communications Commission, "Minority Ownership in Broadcasting." (Washington, D.C, May 17, 1978).

Federal Communications Commission, Minute #287-A-84 December 19, 1984, Commission Open Meeting MM, Record Group 173 UD-06D 3, Minutes of Meetings, 1971-1989, FRC box 8, National Archives at College Park, MD.

Federal Communications Commission Public Notice. DA 23-53, GN Docket No. 17208, January 20, 2023.

Finley, Skip. "Statement: Minority Broadcast Owners Discussions," (speech, Federal Communications Commission's Minority Ownership Conference), Minority Ownership in Broadcasting, (Washington, DC, April 25-26, 1977), Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

Freedom Development Company to Dear Gentleman, December 9, 1977, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

Freedom of Information Act Request, Crowell & Moring to Mr. Edward J. Minkel, March 18, 1983, Record Group 173, FCC Docket No. 80-90, vol. 5, box 19, National Archives at College Park, MD.

Frew, Julia N. Julia N. Frew to Federal Communications Commission, September 3, 1979, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

Gamble, Emmie J. Emmie J. Gamble to Secretary DKT 80-90, FCC, November 26, 1984, Record Group 173 UD-12W 18, vol. 3, box 18, National Archives at College Park, MD.

Glassman, Jim. Jim Glassman to Secretary Federal Communications Commissions, May 9, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park.

Hardy, Thomas A. "Remarks of Thomas A. Hardy Before the Federal Communications Commission" (speech, Federal Communications Commission's Minority Ownership Conference), Minority Ownership in Broadcasting, (Washington, DC, April 25-26, 1977),

Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

Harris, Laurence E. Laurence E. Harris to the Honorable Jesse Helms, May 26, 1982, Record Group 173, box 19, vol. 5, National Archives at College Park, MD.

“Home,” National Archives, FG 6-14 (Office of Telecommunications Policy) (White House Central Files: Subject Files). Accessed February 28, 2023, <https://www.nixonlibrary.gov/finding-aids/fg-6-14-office-telecommunications-policy-white-house-central-files-subject-files>.

Horsford, Steven. “Horsford Introduces the Broadcast VOICES Act to Enhance Diversity in Broadcasting Ownership,” Accessed March 30, 2024, <https://horsford.house.gov/media/press-releases/horsford-introduces-the-broadcast-voices-act-to-enhance-diversity-in-broadcasting-ownership>.

In the Matter of The Amendment of Sections 73.202 (a) Table of Assignments, 73:206 (a) (2) and (b) (1) Classes of Commercial Channels, and Stations Operating Thereon, and 73.207 Minimum Mileage Separations between Co-Channel and Adjacent-Channel Stations on Commercial Channels, RM-3226, October 6, 1978, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, Joint Comments, McClatchy Newspapers and Great Empire Broadcasting Co., October 2, 1989, Record Group 173, FCC Docket No. 80-90, vol. 3, box 18, National Archives at College Park, MD.

In the Matter of Amendment of Part 73 of the Commission’s Rules Regarding AM Station Assignment Standards, Docket 20265, Comments of National Black Media Coalition on Congressional Black Caucus’ Petition to Formulate a New Policy to Promote Minority Ownership of Broadcast Properties, 3, February 2, 1977, Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Office of the Assistant to the President for Special Projects, box 5, Records of Martha (Bunny) Mitchell, Jimmy Carter Library.

In the Matter Requests for Formation of New Government-Industry Advisory Committee on AM and FM Radio Broadcasting, and for the Institution of Consolidated Inquiry Proceeding on AM and FM Radio, Minute #338-A-80 September 10, 1980, Commission Open Meeting (B/C) MEMORANDUM OPINION AND ORDER, Record Group 173, box 7, National Archives at College Park, MD.

In the Matter of Amendment of Sections 73.202 and 73.207 of the Rules regarding the Table of Assignments and Minimum Mileage Separations between Co-Channel and Adjacent-Channel Stations on Commercial Channels, RM-2587, August 11, 1975, Record Group 173,

FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

In re Applications of JO-AL BROADCASTING File No. BPH880616MP, B&H BROADCASTING SYSTEM, INC. File No. BPH 880616MQ, PATRICIA D. CAMP ANN E. DUPRE, DUPRE BROADCASTING CO. FILE NO. BPH 880616MW, For Construction Permit for a New FM Station on Channel 284A in Texarkana, Arkansas, March 19, 1991.

In the Matter of Auction of FM Broadcast Construction Permits Scheduled for November 1, 2005 (Auction 62), TO THE WIRELESS TELECOMMUNICATIONS BUREAU AND THE MEDIA. Accessed May 2, 2022, <https://mmtconline.org/lp-pdf/MMTCAuction62Comments.pdf>.

In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments, Memorandum Opinion and Order, Minute #39-A-86, February 10, 1986, Commission Circulation (MM), Group 173-90-20 box 2, National Archives at College Park, MD.

In the Matter of KSAN, Inc. Licensee of Radio Station KEST, San Francisco, Calif., Request for Investigation, Memorandum Opinion and Order, FCC 71-737, July 14, 1971.

In the Matter of Modification of FM Broadcast Petition Rules to Increase the Availability of Commercial Broadcast Assignments, Reply Comments in Support of Notice of Proposed Rulemaking, December 1, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 4, box 19, National Archives at College Park, College Park, MD.

In the Matter of Revision of FM Assignment Policies and Procedures SECOND REPORT AND ORDER, BC Docket No. 80-130, FCC 82-240.

In the Matter of Revision of FM Broadcast Rules, Comments of Muzak, A Division of Teleprompter Corporation, May 25, 1979, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

In Re Applications of Mid-Florida Television Corp., Orlando, Fla. Central Nine Corp, Orlando, Fla.; Florida Heartland Television, Inc. Orlando, Fla. Comint Corp., Orlando, Fla.; TV 9 Inc., Orlando, Fla. For Construction Permit for New Television Broadcast Station Order, Adopted September 13, 1972, Docket No. 11083 File No. BPCT-1801, Docket No. 17339 File No. BPCT-3697, Docket No. 17341 File No. BPCT-3737, Docket No. 17342 File No. BPCT-3738, Docket No. 17344 File No. BPCT-3740, FCC 72-803, National Archives at College Park, College Park, MD.

In re the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments Amendment of Policies and Procedures of amending the FM Table of Assignments, Section 73.202(b) of the Commission' [sic] rules

Comments in Opposition of Pennsylvania Association of Broadcasters, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 2, box 18, National Archives at College Park, College Park, MD.

Interview on *The Today Show* with Bill Monroe. September 19, 1972. Benjamin Lawson Hooks Papers, The University of Memphis, Preservation & Special Collections Department of the University Libraries.

Issue: WARC-79, Communications Policy—Office of Telecommunications Policy (OTP) Briefing-Option Papers [1], Domestic Policy Staff Simon Lazarus's 1976 Campaign Transition Files, box 4, Jimmy Carter Library.

Johnson, Bob. Bob Johnson to Ms. Martha Mitchell, February 10, 1978, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 13, Jimmy Carter Library.

Jones, Richard P. "Remarks Prepared by Richard P. Jones for FCC Minority Ownership Conference Washington," (speech, Federal Communications Commission's Minority Ownership Conference), Minority Ownership in Broadcasting, (Washington, DC, April 25-26, 1977), Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

Kearney, William. "Position/Summary Statement on the Access to and Use of Professional Help in Broadcasting," May 18, 1977, Communications Workshop Meeting, 7/19/77 [Minority Ownership of Electronic Facilities], Martha (Bunny) Mitchell, Jimmy Carter Library.

Leibowitz, Matthew L. Matthew L. Leibowitz, Esq. to Commissioner James Quello, May 17, 1983, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

Long, Roscoe E. Roscoe E. Long to Daniel J. Mahoney, April 27, 1978, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

McIntee, Michael. Michael McIntee to The Federal Communications Commission, September 29, 1980, Record Group 173, FCC Docket No. 80-90, vol. 3, box 18, National Archives at College Park, MD.

Memorandum, Renee Licht, Legal Assistant to Commissioner Rivera, FM Drop-Ins – Docket 80-90, December 7, 1981, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

Memorandum, Stu Eizenstat, September 2, 1977, Telecommunications-Minority Ownership, Domestic Policy Staff Steve Simmon's Subject Files, box 92, Jimmy Carter Library.

Metro Broadcasting, Inc. v. Federal Communications Commission, 497 547 (1990) followed by Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995).



Millet, Lou. Lou Millet to Senator Russel Long, November 20, 1978, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

Minority Telecommunications Development Program of the National Telecommunications & Information Administration, "A Comparative Statistical Analysis of Minority-Owned Commercial Broadcast Stations Licensed in the United States in 1991 and 1990," October 1991.

MM Docket No. 91-3, In re Applications of LINDA U. KULISKY File No. BPH-901024MD, LYNDIA F. HASKINS File No. BPH-901025ME, GILFORD BROADCASTING COMPANY File No. BPH-901025MF, For Construction Permit for a New FM Station on Channel 245A in Tavernier. Accessed March 19, 2022, <https://docs.fcc.gov/public/attachments/FCC-92D-42A1.pdf>, 3898.

Modification of FM Broadcast Stations Rules to Increase the Availability of Commercial FM Broadcast Assignments (Report and Order), 94 FCC2d (1983).

Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments, 45 Fed. Reg. 55 (adopted February 28, 1980).

Murphy, Pat. Pat Murphy to Mr. Charles Ferris, Chairman, September 8, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 2, box 18, National Archives at College Park, College Park, MD.

NTIA/MTDP Plans and Goals to Support Minority Business Opportunities," Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 14, Jimmy Carter Library.

NTIA/MTDP Plans and Goals to Support Minority Business Opportunities, Minority Broadcasting & Communications 1/78-5/78, box 13, Martha (Bunny) Mitchell, Jimmy Carter Library.

Office of Management and Budget Route Slip 7/28/78, Minority Business Enterprise 4/78-9/79, Martha (Bunny) Mitchell, box 14, Jimmy Carter Library.

"Petition for Rulemaking, Henry Geller to the Honorable Charles D. Ferris, Record Group 173 Federal Communications Commission, BC Docket No. 80-90, June 1991, vols. 1, 2, 3 box 18, April 19, 1979, National Archives at College Park, MD.

Ragan, Henry A. "Private Sources of Financing for Minority Broadcast Owners," (speech, Federal Communications Commission's Minority Ownership Conference) Minority Ownership in Broadcasting, (Washington, DC, April 25-26, 1977), Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

REPORT ON RADIO ALLOCATIONS PRIORITIES PREPARED BY THE SUBGROUP ON RADIO SPECTRUM ALLOCATIONS COMMITTEE ON RADIO BROADCASTING FOR SUBMISSION TO THE FEDERAL COMMUNICATIONS COMMISSION, March 4, 1981, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

REPORT ON FM ALLOCATION POLICIES PREPARED BY THE SUBGROUP ON RADIO SPECTRUM ALLOCATIONS OF THE ADVISORY COMMITTEE ON RADIO BROADCASTING FOR SUBMISSION TO THE FEDERAL COMMUNICATIONS COMMISSION, July 7, 1982, Record Group 173 UD-12W 18, vol. 5, box 19, National Archives at College Park, MD.

RESOLUTION OF THE AFFILIATES ADVISORY BOARD OF THE NATIONAL BLACK NETWORK, October 27, 1981, Record Group 173, box 19, vol. 5, National Archives at College Park, MD.

Rice, Michael C. Michael C. Rice to Federal Communications Commission, September 22, 1980, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

Ronald Reagan Library. "Appointment of Deputy Assistant to President Reagan and Director of the White House Military Office." Accessed May 10, 2022.

<https://www.reaganlibrary.gov/archives/speech/appointment-james-c-mckinney-deputy-assistant-president-and-director-white-house>.

Rose, Charles A. Charles A Rose, Mayor; John P. Franklin, Commissioner of Health & Education; Paul Clark, Commissioner of Public Works; Jim Eberle, Commissioner of Public Utilities; Walter Smart, Commissioner of Fire and Police to Federal Communications Commission, February 4, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 4, box 19, National Archives at College Park, MD.

Russell, Patricia A. Patricia A. Russell Esquire. to Mrs. Martha Mitchell, n.d., Federal Communications Commission (FCC) 4/78-5/78, box 10, Martha (Bunny) Mitchell, Jimmy Carter Library.

Second Report and Order, In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments (MM Docket No. 84-231), 50 Fed. Reg. 76 (adopted March 14, 1985).

Section 307(b) of the Communications Act of 1934, as amended; 47 U.S.C. §307(b).

Separate Statement of Charles D. Ferris, Chairman Re: Modification of FM Broadcast Rules to increase the potential number of new FM radio stations, February 28, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

Siljander, Mark D. Mark D. Siljander to Mark S. Fowler, May 17, 1983, 1980, Record Group 173, FCC Docket No. 80-90, vol. 1, box 18, National Archives at College Park, MD.

Simpson, Ron. Ron Simpson to Secretary Federal Communications Commission, May 20, 1980, Record Group 173, FCC Docket No. 80-90, June 1991, vol. 1, box 18, National Archives at College Park, College Park, MD.

Sitrick, Joseph M. "Remarks of Joseph M. Sitrick," (speech, Federal Communications Commission's Minority Ownership Conference), Washington, DC, April 25- 26, 1977), Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

Smith Jr., J. Clay. J. Clay Smith Jr. to Martha M. Mitchell, January 31, 1978, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 14, Jimmy Carter Library.

Smith Jr., J. Clay. J. Clay Smith Jr. to Martha M. Mitchell, February 10, 1978, Minority Broadcasting & Communications 1/78-5/78, Martha (Bunny) Mitchell, box 13, Jimmy Carter Library.

Smith, Jr., J. Clay. "Telecommunications and Black Americans: The Unmeasured and Untold Marketplace Factor Untold Marketplace Factor," (speech, The Fifteenth Annual Communications Conference), "Communications: A Key to Economic and Political Change," (Howard University, February 13, 1986).

Statement of Policy on Minority Ownership of Broadcast Facilities, Public Notice, F.C.C. 2d 979, May 25, 1978.

Tate, Charles E. and Phil Watson. Charles E. Tate and Phil Watson to the President of the United States, January 28, 1977, WHO- Team 4-Office of Telecommunications Policy-Background President's Reorganization Project Richard Pettigrew's Executive Office of the President Files, box 67, Jimmy Carter Library.

Tim. Tim to Hon. John Duncan, July 23, 1981, Record Group 173, FCC Docket No. 80-90, vol. 5, box 19, National Archives at College Park, MD.

Whitfield, W.J. W.J. Whitfield to Dear Madam or Sir, November 14, 1986, Record Group 173 UD-12W 18, FCC Docket No. 80-90, June 1991, vol. 3 box 18, National Archives at College Park, College Park, MD.

White, Curtis T. "Statement of Curtis T. White on the Issue of Public Policy and Minority Ownership of Broadcast Media: An Argument for Policy Reform and the Maximization of Minority Participation in the Equity Arena," Minority Ownership in Broadcasting, (Washington, DC, April 25-26, 1977), Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

Williams, Barbara J. Barbara J. Williams to Vincent J. Mullins, December 23, 1976, Communications Workshop Meeting: Minority Ownership in Non-Commercial Broadcasting 6/30/77, Martha (Bunny) Mitchell, box 5, Jimmy Carter Library.

Wright, C. Dennis. C. Dennis Wright to Mr. William J. Tricarico, September 25, 1980, Record Group 173 FCC Docket No. 80-90, vol. 2, box 18, National Archives at College Park, MD.

#### Audio and Video Recordings

Brown, Hub. "Going Dark, A Time of Change," 2000.

C-SPAN. "Media Ownership." Accessed April 15, 2021. <https://www.c-span.org/video/?174837-1/media-ownership>.

C-SPAN. "Minority Ownership of Media," Accessed April 15, 2021. <https://www.c-span.org/video/?12646-1/minority-ownership-media>.

National Association of Broadcasters (NAB). Records, 0017-MMC, NAB. Audio Tapes, Tape 1 R26. "Radio Allocations Through the '80s and '90s." Special Collections and University Archives, University of Maryland, College Park, MD.

Starks, Geoffrey. Commissioner, Federal Communications Commission. "Media Ownership Diversity Symposium." Streamed live on February 7, 2023. YouTube video, 5:05:00, <https://www.youtube.com/watch?v=oMewRk-rW8s>.

La'Sha, Epiphany. "Texarkana's First Black Radio Station Hit the Airwaves in 1992." Accessed August 3, 2023. <https://www.ktalnews.com/news/texarkana-news/texarkanas-first-black-radio-station-hit-the-airwaves-in-1992/>

The New Press. "What Is Critical Race Theory and Why Is It Under Attack?" YouTube video, 1:41:22, August 31, 2021. <https://www.youtube.com/watch?v=0yHuCjQ5pUA>.

Video Recording. "FCC Open Meeting" February 28, 1980. Records of the Federal Communications Commission, Record Group 173 MEET-70, National Archives at College Park, MD.

Video Recording. "FCC Open Meeting" May 26, 1983. Records of the Federal Communications Commission, Record Group 173 MEET-219, National Archives at College Park, MD.

Video Recording. "FCC Open Meeting," March 1, 1984. Records of the Federal Communications Commission, Record Group 173 MEET-243, National Archives at College Park, MD.

Windgäetter, Nina. "Political Economy." University of New Hampshire Lecture. Accessed February 5, 2024.  
[https://media.unh.edu/media/Political+Economy/1\\_745wop0i/281660562](https://media.unh.edu/media/Political+Economy/1_745wop0i/281660562).

#### Archival Document Collections

Archives of African American Music and Culture, Indiana University.

Iowa Digital Library, Iowa University Library.

Nicholas Johnson Collection

John F. Kennedy Presidential Library and Museum. Online holdings.

Labor, 1961: April-May

Jimmy Carter Presidential Library and Museum, Atlanta, GA.

Douglas Huron's Subject Files, 1977-1981

JC-80C: Carter/Mondale 1980 Re-Election Committee Papers, 1980-1980

JC-HARDEN: Records of the Office of the Special Assistant to the President for Information Management (Carter Administration), 1977-1981

JC-PUBLIAIS: Records of the Office of the Assistant for Public Liaison, 1977 - 1981

JC-WHCF: Carter White House Central Files, 1977-1981

Records of Martha (Bunny) Mitchell, Special Assistant to the President

Robert Malson's Subject File, 1976-1980

Steven Simmons' Subject Files, 1978-1981

Michigan State University Archives & Historical Collections. Online holdings.

Moorland-Spingarn Research Center, Howard University. Online holdings.

J. Clay Smith, Jr. Collection

National Archives and Records Administration, College Park, MD

Record Group 173: Records of the Federal Communications Commission

Records of the National Telecommunications and Information Administration [NTIA], (Record Group 417) 1922-78

Records Relating to Government Radio Frequency Assignments, 1970

Quello Center: Media & Information Policy

Preservation & Special Collections Department of the University Libraries, University of Memphis. Online holdings.

Benjamin Lawson Hooks Papers.

Ronald Reagan Presidential Library & Museum. Online holdings.

WorldRadioHistory.com.

The HistoryMakers Digital Archive. Online holdings.

University of Maryland Special Collections, College Park, MD.

FCC Commissioner – Hooks, Benjamin, July 1972-September 1981

Geller, Henry, 1973

Johnson, Nicholas, 1967-1973 and undated

National Association of Broadcasters

#### Personal Collections

Emmie Jo Gamble Private Collection.

Erwin Krasnow Private Collection

Maureen Lewis Private Collection.

Art Mobley Private Collection.

#### Hearings, Reports, Symposiums, and Other Government Documents

*Access.* “Tuning in Minority America.” Vol. 4–8. A United States Department of Commerce Publication from the Office of Minority Business Enterprise, 1978.

Bunk, Amy. “Federal Register 101.” Accessed on February 20, 2023, [https://www.federalregister.gov/uploads/2011/01/fr\\_101.pdf](https://www.federalregister.gov/uploads/2011/01/fr_101.pdf).

Civil Service Reform Act of 1978 and Reorganization Plan No. 2 of 1978: Hearings Before the Committee on Governmental Affairs, United States Senate, Ninety-fifth Congress, Second Session, on S. 2640, S. 2707, and S. 2830 (U.S. Government Printing Office), 1978.

Executive Order 10925, JFKPOF-81-005-p0027, Labor, 1961: April-May, John F. Kennedy Presidential Library and Museum, last accessed March 12, 2023, <https://www.jfklibrary.org/asset-viewer/archives/JFKPOF/081/JFKPOF-081-005>.

*Fair Housing 1968: An Interpretation of Title VIII (Fair Housing) of the Civil Rights Act of 1968.* SR/MP-68 (Washington, DC: U.S. Dept. of Housing and Urban Development, 1968).

FCC Broadcast Reregulation, Hearings Before the Subcommittee on Communications of the Committee on Commerce, United States Senate, Ninety-Fourth Congress, First Session on Oversight on FCC Broadcast Regulation, September 17, November 5, 6, and 11, 1975, Serial No. 94-60, (U.S. Government Printing Office, Washington: 1975).

Hearings Before the Subcommittee on Communications of the Committee on Commerce, United States Senate, Ninety-fourth Congress, First Session on S. Res. 318, Expressing the Sense of the Senate with Respect to Authorizing Domestic Satellites Pursuant to the Communications Act of 1934, December 9, 1975, Serial No. 94-52, (U.S. Government Printing Office, 1976).

Henry Geller, U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Nomination Of Henry Geller, To Be Assistant Secretary of the National Telecommunications And Information Administration, United States Senate, 95th Cong., 2nd sess., 1978.

Ivy Planning Group LLC. “Whose Spectrum Is It Anyway?: Historical Study of Market Entry Barriers, Discrimination and Changes in Broadcast and Wireless Licensing 1950 to Present.” Washington, D.C: Prepared for The Office of General Counsel Federal Communications Commission, December 2000.

*Jimmy Carter 1979 (in Two Books)*, Public Papers of the Presidents of the United States; 1979, 1 vol. (2302 p.) (Washington: Office of the Federal Register, National Archives and Records Service, General Services Administration: For sale by the Supt. of Docs., U.S. G.P.O., 1980).

*Jimmy Carter 1979 (in Two Books)*, Public Papers of the Presidents of the United States; 1979, 2 vol. (2302 p.) (Washington: Office of the Federal Register, National Archives and Records Service, General Services Administration: For sale by the Supt. of Docs., U.S. G.P.O., 1980).

KPMG LLP Economic Consulting Services. “History of the Broadcast License Application Process.” November 2000.

- Kennard, William, Jennifer Smith, and Byron Marchant. “Minority Business Development and Equal Employment Opportunity in the Telecommunications Industry.” In *One Nation, Indivisible: The Civil Rights Challenge for the 1990s*, edited by Reginald C. Govan, William L. Taylor, and Citizens’ Commission on Civil Rights (U.S.), 324–49. Washington, DC: Citizens’ Commission on Civil Rights, 1989.
- Krasnow, Erwin G., Michael J Wilhelm and William E Kennard, United States, Federal Communications Commission, Office of Public Affairs, and Minority Enterprise Program. *Applying for the New FM Station Allocation: A Planning Guide for Potential Applicants for the New FM Channels Being Made Available in 684 United States Cities*. Washington: Federal Communications Commission, 1984.
- Media Concentration: Hearing Before the Subcommittee on General Oversight and Minority Enterprise of the Committee on Small Business, House of Representatives, Ninety-Sixth Congress, Second Session” (U.S. Government Printing Office, January 21, 1980).
- Minority Ownership of Broadcast Stations, Hearing before the Subcommittee on Communications of the Committee on Commerce, Science and Transportation, United States Senate, 101st Cong., 1st Sess., September 15, 1989.
- National Advisory Commission on Civil Disorders. *Report of the National Advisory Commission on Civil Disorders*. (Washington: United States, Kerner Commission: U.S. G.P.O., 1968).
- National Archives. “About the National Archives of the United States.” Accessed February 20, 2023, <https://www.archives.gov/publications/general-info-leaflets/1-about-archives.html>.
- Ofori, Kofi Asiedu and Civil Rights Forum on Communications Policy. *When Being No. 1 Is Not Enough: The Impact of Advertising Practices on Minority-Owned & Minority-Formatted Broadcast Stations*. Washington, D.C.: Office of Communications Business Opportunities, Federal Communications Commission, 2001.
- Senate Hearings Before the Committee on Appropriations Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Fiscal year 1985, 98<sup>th</sup> Congress Second Session.
- Starks, Geoffrey. “Commissioner Starks Opening Remarks.” Speech, FCC’s Communications Equity and Diversity Council (CEDC) Symposium, “Expanding Digital and Media Ownership Opportunities for Women and Minorities,” Washington, DC, February 2023.
- Summary of the Administrative Procedure Act, 5 USC §551 et seq. (1946).
- United States Commission on Civil Rights. *Civil Rights under Federal Programs; The Civil Rights Act of 1964: An Analysis of Title VI*, CCR Special Publication-Number 1 (Washington, D. C., 1965).



United States Commission on Civil Rights. *The Federal Civil Rights Enforcement Effort—1974: A Report of the United States Commission on Civil Rights* (Washington, DC: United States Government Printing Office, 1974).

United States Commission on Civil Rights. *The Voting Rights Act: The First Months* (Washington: United States Commission on Civil Rights, 1965).

United States Government Manual: National Telecommunications and Information Agency, last accessed February 3, 2024.

U.S. Census Bureau. Persons by Race and Sex, for Regions, Divisions and States: 1980, Table 62. Accessed February 11, 2023.

[https://www2.census.gov/prod2/decennial/documents/1980/1980censusofpopu8011u\\_bw.pdf](https://www2.census.gov/prod2/decennial/documents/1980/1980censusofpopu8011u_bw.pdf).

#### Personal Communications and Interviews

Anderton, J.T. Telephone interview by the author, April 26, 2022.

Bailey, Tori. Zoom interview by the author, April 16, 2020.

Bartie, Anthony. Telephone interview by the author, July 15, 2022.

Beverage, Clarence. Telephone interview by the author, May 3, 2022.

Bickel, Dale. Email to Author, May 19, 2021.

Bickel, Dale. E-mail to the author, March 7, 2024.

Brown, Tyrone. Telephone interview by the author, November 21, 2021.

Charles, Merrill “Butch.” Telephone interview by the author, September 17, 2021.

Davis, Ben. Telephone interview by the author, June 21, 2021.

Esserman, Eddie. Telephone interview by the author, October 27, 2021.

Finley, Skip. Telephone interview by the author, July 28, 2021.

Fybush, Scott. Telephone interview by the author, October 26, 2021.

Gamble, Emmie Jo. Telephone interview by the author, March 15, 2021.

Gamble, Emmie Jo. Telephone interview by the author, January 13, 2023.

Garland, Dave. Telephone interview by the author, March 13, 2023.

Haakinson, Eldon J. Telephone interview by the author, December 11, 2021.

Hawes-Saunders, Ro Nita. Telephone interview by the author, June 28, 2021.

Hawes-Saunders, Ro Nita. Telephone interview by the author, July 16, 2021.

Honig, David. Zoom interview by the author, April 4, 2021.

Hosford, Kathryn. Zoom interview by the author, August 15, 2022.

Jacobson, Adam R. Telephone interview by the author, August 1, 2023.

Johnson, Nicholas. Telephone interview by the author, March 30, 2023.

Krasnow, Erwin. E-mail to the author, July 25, 2021.

Lewis, Maureen. Interview by the author, Riverdale Park, MD, March 15, 2023.

Lipp, Mark. Telephone interview by the author, November 26, 2021.

Marshall Sr., Pluria W. Telephone interview by the author, November 11, 2021.

Marshall Sr., Pluria W. Telephone interview by the author, January 11, 2023.

Mitchell, Helena. Telephone interview by the author, December 4, 2022.

Mitchell, Stuart. Telephone interview by the author, November 8, 2022.

Mobley, Art. Telephone interview by the author, May 31, 2021.

Mobley, Art. Telephone interview by the author, November 18, 2021.

Mobley, Art. Zoom interview by the author, March 19, 2024.

Napoli, Philip M. Telephone interview by the author, September 24, 2021.

Nelson, Paula. Telephone interview by the author, September 16, 2021.

Nietert, Robyn. Telephone interview by author, November 22, 2022.

Nilsson, Sima. E-mail to the author, May 27, 2022.

Nilsson, Sima. E-mail to the author, August 4, 2023.

Owen III, Millard. Telephone interview by the author, September 6, 2022.

Oxenford, David. Telephone interview by the author, October 8, 2021.

Peebles, Pete. Telephone interview by the author, July 16, 2022.

Phillips, Michael C. Telephone interview by the author, July 9, 2022.

Price, James. Telephone interview by the author, October 21, 2021.

Ray-Rogers, Evelyn. Zoom interview by the author, February 27, 2021.

Ray-Rogers, Evelyn and Morris. Telephone interview by the author, November 9, 2021.

Reed, George. Interview by the author, October 14, 2021.

Rivera, Henry M. E-mail to the author, May 12, 2021

Russell, Patricia. Telephone interview by the author, May 10, 2021.

Shaw, Angela. Zoom interview by the author, July 26, 2021.

Short, Robert. Telephone interview by the author, September 2, 2021.

Shubert, Lee. Telephone interview by the author, October 8, 2021.

Skidelsky, Barry. Telephone interview by the author, July 12, 2022.

Smithwick, Gary. Telephone interview by the author, July 12, 2022.

Squire, Percy. Telephone interview by the author, October 8, 2021.

Stillwell, Rachel. Telephone interview by the author, August 2, 2021.

Taylor, Tom. E-mail to the author, November 15, 2021.

Virtue, Melodie. Interview by the author, September 2, 2021.

Washington, Frank. Telephone interview by the author, November 9, 2021.

Weeks, Wayne. Telephone interview by the author, September 6, 2022.

Winston, Jim. Interview by the author, June 4, 2021.

## Oral History Interviews

Iowa Digital Library. *Nicholas Johnson Press Conference and Speech at University of Iowa, Iowa City, Iowa, November 17, 1969*. Nicholas Johnson Collection. The University of Iowa Libraries. Accessed March 20, 2023.

<https://digital.lib.uiowa.edu/islandora/object/ui%3Anicholasjohnson>.

Indiana University. Archives of African American Music and Culture (AAAMC), Black Radio: Telling It Like It Was, circa 1920s-1997. Bulk 1991-1995, SC 39, Marshall, Pluria W., DAT 126.

Indiana University. Archives of African American Music and Culture (AAAMC), Black Radio: Telling It Like It Was, circa 1920s-1997. Bulk 1991-1995, SC 39, Jim Winston W., DAT 193.

Senate Historical Office. Charles D. Ferris interview by Donald A. Ritchie, DC, April 15, 2004, transcript at <https://www.senate.gov/about/resources/pdf/ferris-charles-d-full-transcript-with-index.pdf>.

The HistoryMakers Digital Archive. Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013. Session 1, tape 4, story 1. Pluria Marshall Sr. talks about his jobs after leaving the U.S. Air Force.

The HistoryMakers Digital Archive. Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013. Session 1, tape 4, story 3, Pluria Marshall Sr. talks about his early career in civil rights photography.

The HistoryMakers Digital Archive. Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013. Session 1, tape 4, story 6, Pluria Marshall Sr. recalls economic discrimination in Houston, TX.

The HistoryMakers Digital Archive. Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013. Session 1, tape 6, story 9, Pluria Marshall Sr. remembers founding the National Association of Black Journalists, pt. 1.

The HistoryMakers Digital Archive. Pluria Marshall Sr. (The HistoryMakers A2013.345), interviewed by Larry Crowe, December 6, 2013. Session 1, tape 9, story 8, Pluria Marshall Sr. describes how he would like to be remembered.

The HistoryMakers Digital Archive. Reverend Benjamin Hooks (The HistoryMakers A2003.168) interviewed by Larry Crowe, July 24, 2003. Session 1, tape 3, story 9. Benjamin Hooks recounts how he became a commissioner of the FCC.

The HistoryMakers Digital Archive. Tyrone Brown (The HistoryMakers A2012.062), interviewed by Larry Crowe, March 6, 2012. Session 1, tape 5, story 8. Tyrone Brown describes working as a law clerk for Chief Justice Earl Warren.

## Contemporary Publications and Other Sources

“1200 New FMs: Docket 80-90 FM Floodgates Open In March.” *R&R: Radio ad Records*, no. 521 (February 17, 1984).

ABC11.com. “‘He Saw It as a Calling:’ How ABC11’s Ervin Hester Made History.” April 10, 2022. [https://abc11.com/black-history-month-ervin-hester-lee-abc11/10321958/#:~:text=DURHAM%2C%20N.C.%20\(WTVD\)%20%2D%2D,news%20anchor%20in%20the%20Southeast](https://abc11.com/black-history-month-ervin-hester-lee-abc11/10321958/#:~:text=DURHAM%2C%20N.C.%20(WTVD)%20%2D%2D,news%20anchor%20in%20the%20Southeast).

*Advocate-Messenger* (Danville, KY). “WRNZ: Area Gets a New FM Radio Station Saturday When 105.1 Opens.” September 30, 1988.

*Afro-American* (Baltimore). “Kans. City Asks Radio Station.” February 1, 1930.

*Afro-American* (Baltimore). “Year Later: Aide Ben Brown’s View of Carter.” January 28, 1978.

*Afro-American* (Baltimore). “Dorothy Brunson Honored in New York.” November 1, 1986.

*Albuquerque Journal* (Albuquerque, NM). “First Hispanic: Rivera Sworn In as FCC Member.” August 11, 1981.

Alderman, Ed. “North Lake Charles Gets Some Urban Waves.” *American Press* (Lake Charles, LA), August 19, 1994.

“Alpha Media.” <https://www.alphamediausa.com/>.

*American Press* Staff. “Forerunner: Blackwell Has Made Mark in Business, Politics.” *American Press* (Lake Charles, LA), May 5, 2013.

*American Press* (Lake Charles, LA). “’95 MLK Festival Will Be Jan. 6-16.” December 16, 1994.

———. “Class Notes: Oak Park News.” January 1, 1995.

———. “KZWA Offers Musical Variety, Sports, and More.” August 14, 1997.

———. “KZWA: FM: Rock the House with The Vibe.” July 9, 1998.

———. “Community Rummage Sale.” October 24, 2007.

———. “MLK Coalition Teams with KZWA to Offer Free Haircuts for Boys.” August 9, 2003, sec. Metro-Section.

———. “Forerunner: Blackwell Has Made Mark in Business, Politics.” May 5, 2013.

AP. “Blacks to Aid Chavez.” *San Angelo Standard-Times* (San Angelo, TX), February 8, 1971.

AP. "TV, Radio Score Kept." *Corpus Christi Times* (Corpus Christi, TX), February 11, 1971.

AP. "TSU Directors' Meet Disrupted." *Times Record News* (Wichita Falls, TX), April 7, 1972.

AP. "Senate Votes Confirm Nominees For F.C.C. and Safety Board." *New York Times*, October 12, 1977.

Associated Press. "94 Pct. of Black Vote Went To Carter, Study Reports." *Washington Post*, November 11, 1976.

Associated Press. "Opposition To Quello For FCC." *Washington Post*, January 31, 1974.

Associated Press. "Court Oks Award of FM Station to Black." *Atlanta Constitution*, May 26, 1984.

Associated Press. "R&B Pioneer King Coleman Dies in Miami; Was 78." *St. Augustine Record* (Miami), September 12, 2010.

Associated Press. "Ford Reverses Course and Decides to Keep AM Radio on Its Vehicles." NPR.org, May 24, 2024, <https://www.npr.org/2023/05/24/1177845707/ford-keep-am-radio-on-its-vehicles>.

*Atlanta Constitution*. "Noted Communications Attorney Is Charged with Defrauding Clients." May 8, 1985.

*Arizona Daily Sun* (Flagstaff, AZ). "FM License Available." April 30, 1986.

Arkansas Business Staff. "Court Rejects Appeal to Stop KYFX Transfer," May 3, 2004. <https://www.arkansasbusiness.com/article/court-rejects-appeal-to-stop-kyfx-transfer>.

*Baltimore Sun*. "FCC Plan Would Open FM Space." February 29, 1980.

Barnes, Bart. "Henry Geller, Who Helped Ban Cigarette Advertising from Radio and TV, Dies at 96: The Former FCC General Counsel Also Played a Role in the Televising of Political Campaign Debates between Major Presidential Candidates." *Washington Post*, April 20, 2020.

Benjamin, Robert. "Color Barriers: Minorities Need More Green..." *Evansville Press*, April 27, 1977.

Benjamin, Robert. "Carter Taps Tyrone Brown for Hooks' Seat on FCC." *Afro-American*, September 24, 1977.

Berman, Dave. "Don't Touch That Dial! Competitors Scramble for New Dial." *Post-Standard* (Syracuse, NY), November 2, 1987.

Black, Norman. "FCC Encourages Public Response on Plan to Reassign FM Frequencies." *Arizona Republic* (Phoenix), February 29, 1980.

Black, Norman. "FCC Schedules 2-Day Conference for Minorities." *Oakland Tribune* (Oakland, CA), November 26, 1980.

Booker, Simeon. "Ticker Tape U.S.A." *Jet*, December 21, 1972.

Booker, Simeon. "Washington Notebook." *Ebony*, June 1976.

Bourgeois, Theresa A. "Tyrone Brown—An Interview." *Access*, November 5, 1979.

Borowski, Neill. "The FCC Is Trying to Channel Stations to Minorities." *Philadelphia Inquirer*, December 24, 1984.

Bradby, Marie. "Former Kentuckian Parlayed Shaky Start into Airwaves Empire." *Courier-Journal* (Louisville, KY), November 15, 1981.

*Broadcasting: The Business Weekly of Television and Radio*. "Growth Market in Black Radio." January 24, 1972.

———. "New Black Candidate in FCC Sweepstakes." January 24, 1972.

*Broadcasting*. "The Carter Plan to Get Minorities into Ownership of Broadcast, Cable." February 2, 1978.

———. "Industry-FCC Status Quo Challenged by New Chairman." April 17, 1978.

———. "Remarks of Charles D. Ferris Chairman, Federal Communications Commission, before the 56th Annual Convention of the National Association of Broadcasters." April 17, 1978.

———. "FCC Opens Up FM Spectrum—Wide." May 30, 1983.

———. "Docket 80-90's 689 New FM Opportunities." December 31, 1984.

———. "FCC Procedures in Sonrise Probe Questioned by Parties Involved." September 4, 1989.

———. "Law & Regulation: Sonrise, Sikes May Drive Reform of Comparative License." August 14, 1989.

Broder, David S. "Carter Reorganization Plans Outlined." *Washington Post*, March 12, 1977.

Brown, Merrill. "FCC Chief Calls for New Effort on Network Hiring." *Washington Post*, October 29, 1979, sec. Business & Finance.

Buchanan, Rachel. "Mayor Did Business with Pilot." *News and Observer* (Raleigh, NC),

July 16, 1989.

*Business Week*. "Beaming to the Ghetto: Black Radio Tells It Like It Is." September 1968.

Califano, Joseph A. "To LBJ, Government Was Never Neutral." *Washington Post, Times Herald*, February 4, 1973, sec. OUTLOOK Editorials Columnists.

*Californian* (Salinas, CA). "Candlelighters Barbeque." April 4, 1996.

Canady, Hoyt. "Mull May Be Nearer to Getting FM Station in Knoxville." *Knoxville News-Sentinel* (Knoxville, TN), November 11, 1981.

Carmody, John. "Fogarty, White: FCC Nominees." *Washington Post*, July 23, 1976.

*Clarksdale Press Register* (Clarksdale, MS). "Area Granted New FM Frequency." November 6, 1985.

Claybrook, Clint. "Savage Has Friday Court Date." *Ledger-Enquirer* (Columbus, GA), August 27, 1992.

Delaney, Paul. "BLACKS COMPLAIN OF MEDIA TO F.C.C.: Meeting With Minority Bloc Is First on Broadcasting Concern on 'Insensitivity.'" *New York Times*, March 19, 1973.

*Detroit Free Press*. "Radio Exec Fears Industry's Lack of Innovation." April 27, 1985.

*Detroit Tribune*. "WCHB Aids Bombed Tenn School Collects \$1,700 In Day Broadcast." November 15, 1958.

Drill, Herb. "What You Should Know About Radio's 2,000 Potential New Competitors." *Radio Only*, November 1983.

Duscha, Julius. "E.D.A., Quiet Lender of Last Resort: Little-Known Lender of Last Resort." *New York Times*, April 2, 1978, sec. Business & Finance.

Farhi, Paul. "Viacom Finalizes Deal To Sell Cable Systems: Firm Expected to Save Millions in Taxes." *Washington Post*, January 21, 1995, sec. Business.

"FCC Makes Firm Move to Adding FMs." *Broadcasting*, March 30, 1980, 30.

Fehr, Stephen C. "Mystery Pilot Gets 33 Months in Fraud Case." *Washington Post*, January 18, 1992.

Fisher, Marc. "End of a Love Affair: AM Radio Is Being Removed from Many Cars." *Washington Post*, May 13, 2023.



“Forerunner: Blackwell has made Mark in Business, Politics.” *American Press* (Lake Charles, LA), May 5, 2013. <https://www.americanpress.com/2013/05/05/forerunner-blackwell-has-made-mark-in-business-politics/>.

*Fort Worth Star-Telegram* (Fort Worth, TX). “Negroes Protest Franchise Refusal.” May 29, 1969.

Garland, Hazel. “Video Vignettes.” *Pittsburgh Courier*, December 18, 1976.

Garland, Phyl. “Blacks Challenge the Airwaves.” *Ebony*, November 1970.

Gately, Edward. “Diversity in Business.” *American Press* (Lake Charles, LA), October 20, 1996.

George, Alice. “The 1968 Kerner Commission Got It Right, But Nobody Listened.” *Smithsonian Magazine*, March 1, 2018.

Gerds, Warren. “New Station Has Its Eye on Algoma.” *Green Bay Press-Gazette* (Green Bay, WI), November 8, 1986.

Green, Charles, and Christopher Scanlan. “Georgia Firm Has Raised More Eyebrows than FM Stations.” *Macon Telegraph* (Macon, GA), July 23, 1989.

*Greensboro News and Record* (Greensboro, NC). “Friends, Faith Turned Against Investigators in Sonrise.” Accessed August 30, 2021. [https://greensboro.com/friends-faith-turned-against-investors-in-sonrise/article\\_d131e949-3582-5f51-91fb-a2cf8a07bffe.html](https://greensboro.com/friends-faith-turned-against-investors-in-sonrise/article_d131e949-3582-5f51-91fb-a2cf8a07bffe.html).

*Greensboro News and Record* (Greensboro, NC). “MAN PLEADS GUILTY TO FRAUD; LOST PILOT TOOK PART IN SCAM.” August 22, 2021. [https://greensboro.com/man-pleads-guilty-to-fraud-lost-pilot-took-part-in-scam/article\\_78b729a1-7526-5f13-9b3e-0555ceb426f4.html](https://greensboro.com/man-pleads-guilty-to-fraud-lost-pilot-took-part-in-scam/article_78b729a1-7526-5f13-9b3e-0555ceb426f4.html).

Hamaludin, Mohamed. “Vera Gilford Is Still Awaiting FCC OK for Radio Station, Is Sued for Legal Fees.” *Miami Times*, July 18, 1996.

Herndon, Keith. “Few Blacks Own Radio, TV Stations.” *Atlanta Journal*, October 3, 1984.

“High Hopes for 80-90.” *Broadcasting*, March 11, 1985.

Holsendolph, Ernest. “S.B.A. Plans to Help Minorities In Buying Radio and TV Stations.” *New York Times*, September 29, 1977.

Honig, David. “Henry Geller: Fifty Years Ahead of His Time,” April 9, 2020. <https://www.nexttv.com/news/henry-geller-fifty-years-ahead-of-his-time>.

Hooks, Benjamin. “New Day Begun: Minority Broadcasters Means Added Voices to the Market Place.” *Tri-State Defender* (Memphis), October 15, 1977.

- Hooks, Benjamin. "FCC's Minority Broadcast Ownership Conference Set for April 25 and 26." *Philadelphia Tribune*, April 16, 1977.
- Hooks, Benjamin. "FCC Conference Set on Broadcast Field." *Afro-American* (Baltimore), April 23, 1977.
- Hooks, Benjamin. "Broadcasters Speak." *Afro-American* (Baltimore), May 21, 1977.
- Hratch, Thomas J. *The Riot Report and the News: How the Kerner Commission Changed Media Coverage of Black America*. Amherst: University of Massachusetts Press, 2016.
- James, Sallie, and Dana Banker. "FLIGHT SURGEON SUGGESTS ROOT WAS SHOT BEFORE TAKING TRIP." Sun-Sentinel.com. August 22, 2021. <https://www.sun-sentinel.com/news/fl-xpm-1989-07-21-8902220014-story.html>.
- Jessell, Harry A. "FCC Wants to Ease Application Rules." *Broadcasting*, November 18, 1991.
- Jet*. "Gives 'Golden Mic' Awards to King Crosby." September 5, 1968.
- . "FCC Member Hooks Votes to Deny Station Licenses." October 19, 1972.
- . "Brown Becomes Visible as FCC's Newest Member." March 16, 1978.
- . "Pluria Marshall Re-Elected Head of Media Coalition." November 18, 1985.
- Junker, Howard. "The Greening of Nicholas Johnson." *Rolling Stone*, April 1, 1971.
- Knoxville News-Sentinel* (Knoxville, TN). "Ask General Knox: Gospel Station Questions Arise." August 26, 1981.
- Kramer, Larry. "Radio Spectrum The Next Arena For Nonaligned Nations' Challenge: U.S. Policy Is to Seek Maximum Airwave Use Third World Skeptical Of U.S.'s Airwave Usage." *Washington Post*, September 23, 1979, sec. Business & Finance.
- Los Angeles Times*. "Used in Awarding FM Radio Licenses: FCC Women's Preference Rule Barred." August 24, 1985, sec. Part IV.
- Louisiana Black Pages*. "Cover Profiles: Faye Brown Blackwell General Manager & Owner KZWA-FM Radio." 1996-1995.
- Love, Walt. "Dialogue with Pluria Marshall: Getting to Know the NBMC." *R&R: Radio and Records*, January 13, 1984.
- . "Docket 80-90: What's Going On?" *R&R: Radio and Records*, July 31, 1987.

- . “Breaking Through Barriers: Two Women Who Have Surmounted the Stigma of Being ‘double Minorities’ and Become Station GMs.” *R&R*, September 10, 1993.
- McDougal, Dennis. “FCC Plans More FM Minority Stations.” *Los Angeles Times*, December 11, 1984, sec. Orange County.
- McDougal, Dennis. “Hawthorne Could Get FM Station.” *Reno Gazette-Journal* (Reno, NV), December 24, 1984
- Margolis, Jon. “Touch That Dial: Television May Have Pictures, but Americans More Time with Their Radios than You Can Imagine.” *Chicago Tribune*, August 18, 1985, sec. 10.
- Marocco, Margo. “FCC Approves Royal Center Site For FM Station.” *Logansport Pharos-Tribune*, March 19, 1987.
- Messmer, Jack. “Small Market Owner Urges LPFM Bypass.” *Manager’s Business Report* 3, no. 8 (August 1999), 14.
- Miami Herald*. “Broadcasters’ Banquet Tonight Honors Mrs. King, Bill Cosby.” August 17, 1968.
- Miami News*. “Broadcast Seminar for Minorities.” April 25, 1985.
- Miami Times*. “Black-Owned Radio Station to Begin Broadcasting in Tavernier.” July 28, 1994.
- Mihm, Stephen. “The Biographer’s New Best Friend.” *New York Times*, 2011, sec. Review.
- “Minority Ownership Issues Explored at Syracuse Conference.” *Broadcasting* 109, no. 6 (May 8, 1985), 70.
- Mohr, Charles. “Carter, With a Long List of Campaign Promises, Now Faces the Problem of Making Good on Them,” *New York Times*, November 15, 1976.
- . “More Minority Broadcast Ownership Is Pushed.” *Lewiston Daily Sun* (Lewiston, ME), February 1, 1978.
- National Journal*. “At a Glance: REGULATION FCC Policies...” September 27, 1986.
- Newhouse News Service. “Burch Challenges Citizen Decision on TV Licenses.” *Philadelphia Inquirer*, September 23, 1973.
- New Journal and Guide* (Norfolk, VA). “Kansas City Newspaper Wants Radio Station.” February 1, 1930, Section 1.
- New York Amsterdam News*. “Ferris to Speak.” October 27, 1979.

*New York Times*. "Washington Lawyer to Accept Nomination to Term on F.C.C." September 18, 1977.

"Nicholas Johnson Appointed U.S. Maritime Administrator," *Iowa City Press-Citizen* (Iowa City, IA), February 20, 1964.

Obatala, J.K. "How Carter Should Pay His Debt." *Nation* 223, no. 18 (November 27, 1976).

*Observer* (London, England). "'No Black Involvement in GOP': Robert Keys, Top Republican Leader, Reveals Why President Ford Lost." December 9, 1976, B-1.

*Omaha Star* (Omaha, NE). "Benjamin L. Hooks: FCC Commissioner." April 1977. PDL, HJ. "TOP OF THE WEEK: Tom Root, Sonrise and the 80-90 Fast Track." *Broadcasting*, July 24, 1989.

Poinsett, Alex. "Tyrone Brown: Traffic Cop Of The Airwaves." *Ebony* 35, no. 8 (June 1980), 115-22.

*Press Democrat* (Santa Rosa, CA). "FCC Wants Your Opinion: Making Room for More FM." May 18, 1980.

Priest, Dana, and Stephen C. Fehr. "Crash Into Sea Culminated Pilot's Pattern of Problems." *Washington Post*, July 23, 1989.

"Proposal to Alter FM Band Provokes Flood of Comments." *Broadcasting*, October 20, 1980.

*R&R*. "EXCLUSIVE: Sonrise Partnership Chart." July 21, 1989.

*R&R: Radio and Records*. "Root/Sonrise Radio Deals Surface in Wake of Bizzare Air Crash." July 21, 1989.

———. "Forgy GM, Motley PD: Dance CHR WNRJ Bows in Columbus." April 27, 1990.

———. "DC Reports: Minority Ownership Drops in '91." December 20, 1991.

———. "Hoosier 96: Ready To Play Ball." January 31, 1992.

———. "Urban AC WXQL To Bow In Jacksonville Matthews Owner/GM, Mullins GSM, Puzo PD." February 5, 1993.

Rasmussen, Frederick N. "Dorothy E. Brunson, Radio Station Owner, Dies." *Baltimore Sun*, August 4, 2011.

Reginald, Stuart. "Washington Talk; Experts at Shaking the Media Tree." *New York Times*, Late Edition (East Coast), October 2, 1986.

- Reveron, Derek. "Calling the Signals: Woman to Run Radio Station in the Keys." *Miami Herald*, July 28, 1992.
- Roberts, Sam. "Henry Geller, 96, Who Helped Rid TV And Radio of Cigarette Advertising, Dies," *New York Times*, April 25, 2020.
- Robertson, Nan. "BLACKS IN HOUSE DENOUNCE F.C.C.: Urge Watchdog Panels for Rights in News Media." *New York Times*, March 9, 1972.
- Roy, Reagan. "Alpha Media's La Invasora Doubling Radio Signal Size to Better Serve East Texas' Hispanic Community." *CBS 19* (blog), February 18, 2020.  
<https://www.cbs19.tv/article/news/local/alpha-medias-la-invasora-doubling-radio-signal-size-to-better-serve-east-texas-hispanic-community/501-fadb2905-04ac-4867-9104-cb5ba605cfed>.
- Sacramento Bee* (Sacramento Bee). "Obituaries: Jack Leonard Powell." July 16, 1994.
- Saddler, Jeanne. "Agency Proposes FM Radio Stations In 684 Communities." *Wall Street Journal*, March 2, 1984.
- Schudel, Matt. "Everett C. Parker, Champion of Fair Broadcasting Practices, Dies at 102: Mr. Parker, an Official of the United Church of Christ, Led Campaigns to Require Greater Minority Representation on TV." *Washington Post*, September 9, 2015.
- Shepperd, Walt. "Still Looking for a Home: Black Radio in Syracuse Hasn't Succeeded with Any Frequency," *Syracuse News Times* (Syracuse, NY), n.d.
- Singletary, Michelle. "Radio Station WEBB Is Sold Owner Says Format to Stay." *Baltimore Sun*, October 19, 1990.
- Stuart, Reginald H. "F.C.C. Accused on Minority Issue." *New York Times*, May 23, 1985, Television, C25.
- TexarkanaGazette.com*. "TASD Honors Emmie Jo Gamble as Distinguished Alumna." August 24, 2020. <https://www.texarkanagazette.com/news/texarkana/story/2020/aug/24/tasd-honors-emmie-jo-gamble-distinguished-alumna/838764/>.
- Times Record News* (Wichita Falls, TX). "FCC Chairman Critical of Bill." July 19, 1978.
- Times Record News* (Wichita Falls, TX). "FCC OKs Electra FM Broadcasting." March 26, 1988.
- Trescott, Jacqueline. "Just Who Is Bunny Mitchell?" *Washington Post*, July 20, 1977.
- Trescott, Jacqueline. "Ragan Henry: Matter-of-Fact Broadcast Pioneer." *Washington Post*, November 24, 1978.

- Turner, Rufus P. "Kansas City American Not First to File Request for Radio License." *Afro-American*, March 1, 1930.
- UPI. "Black Media Organization Head Charges NAB 'Racist.'" *The Daily Progress* (Charlottesville), March 5, 1978.
- . "World in Brief: Group Asks for License." *The Daily Spectrum* (Utah), May 8, 1983.
- . "Secret to Success? 'Bigger Thighs': Greek Says 'slavery' Made Black Athletes." *Citizens' Voice (Wilkes-Barre, Pennsylvania)*, January 16, 1988.
- VonBergen, Drew. "Major Measure in Congress Laid to AT&T." *Richmond Times-Dispatch Richmond*, Sunday, September 26, 1976.
- Waldron, Martin. "Antiwar Protesters Picket GE Meeting." *The Berkshire Eagle* (Pittsfield, MA), April 27, 1972.
- Wall Street Journal*. "FCC Proposes to Boost Total of FM Channels." February 29, 1980.
- "Washington Watch: Docket 80-90 Reply Comments Due August 22." *R&R: Radio and Records*, no. 544 (July 27, 1984), 4.
- Washington Post*. "AROUND THE REGION: Pilot Thomas Root Gets 15-Year Term For Florida Fraud." June 25, 1992.
- Whitt, Richard, and Gail Epstein. "Georgia Firm Quickly Made Millions, But Dream Falls with Mystery Crash." *Atlanta Constitution*, July 23, 1989.
- Winkelhorst, Michael. "Spotlight: Radio Wars." *The Santa Fe Reporter* (Santa Fe, NM), June 27, 1990.
- Winston, Bonnie V. "Minorities Get Help in Buying Broadcast Properties." *Boston Globe*, July 5, 1986.
- Winston-Salem Journal* (Winston-Salem, NC). "N.C. Radio Station Cited for Coverage." September 30, 1965.
- Wolf, Ron. "Watchdog for Minorities Has Made the Media Listen." *Philadelphia Inquirer*, July 2, 1984, sec. Section E.
- Zaffiro, Eileen. "The Savage Death: Savage Dies of Gunshot." *Ledger-Enquirer*, January 30, 1993.

#### Secondary Sources

## Dissertations and Theses

- Fife, Marilyn Diane. "FCC Policy on Minority Ownership in Broadcasting: A Political Systems Analysis of Regulatory Policymaking." *ProQuest Dissertations and Theses*. Ph.D., Stanford University, 1984. ProQuest Dissertations & Theses Global (303331938).
- Reeves, Andrew Raymond. "FM Radio Spectrum Allocation: The History and Chronology of Changes in FCC Policy, Procedures and Rulemakings." University of Tennessee Knoxville, 1993.

## Books, Articles, Web Pages, and Other Secondary Sources

- Adams, Anthony A. "Broadcasters' Attitudes toward Public Responsibility - An Ohio Case Study Ascertainment of Community Needs." *Journal of Broadcasting* 16, no. 4 (1971-1972), 407-20.
- Addis, Adeno. "'Hell Man, They Did Invent Us': The Mass Media, Law, and African Americans." *Buffalo Law Review* 41, no. 2 (April 1, 1993), 105.
- Aitken, Hugh G. J. "Allocating the Spectrum: The Origins of Radio Regulation." *Technology and Culture* 35, no. 4 (1994), 686-716. <https://doi.org/10.2307/3106503>.
- Alexander, Laurence B. "Update on the Minority Preference at the Federal Communications Commission, and Race Relations in the South." *National Black Law Journal*, Update on the Minority Preference, 11, no. 2 (1990 1988), 249-60.
- Alston, Roland. "Black-Owned Radio: Taking to the Airwaves in a Hurry." *Black Enterprise*, New York, United States: Earl G. Graves Publishing Company, Inc., July 1978.
- Anderson, Christopher, and Michael Curtin. "Writing Cultural History: The Challenge of Radio and Television." In *Media History: Theories, Methods, Analysis*, edited by Niels Brügger and Søren Kolstrup, 16-32. Denmark: Aarhus University Press, 2002.
- Anderson, Kathryn, Susan Armitage, Dana Jack, and Judith Wittner. "Beginning Where We Are: Feminist Methodology in Oral History." *The Oral History Review* 15, no. 1 (1987), 103-27.
- Archer, J. Clark, Stephen J. Lavin, Kenneth C. Martis, and Fred M. Shelley. *Historical Atlas of U.S. Presidential Elections 1788-2004*. CQ Press: A Division of Congressional Quarterly, Inc., 2006.
- Aufderheide, Patricia. "Filtering the Media Smog: Researching the Public's Interest in the Media Environment." In *Media Ownership: Research and Regulation*, edited by Ronald E. Rice, 49-58. The Hampton Press Communication Series. New Media. Cresskill, NJ: Hampton Press, 2008.

- Baeza, Mario L. "Telecommunications Reregulation and Deregulation: The Impact on Opportunities for Minorities." *Blackletter Journal* 2 (1985), 7–14.
- Baker, C. Edwin. *Media Concentration and Democracy: Why Ownership Matters*. Cambridge: Cambridge University Press, 2007. <https://doi.org/10.1017/CBO9780511810992>.
- Barlow, William. *Voice over: The Making of Black Radio*. Philadelphia, Pa: Temple University Press, 1999.
- Beardsley, Philip L. "Toward a Synthesis of Conflicting Ideological Views Regarding the Political and Economic Dimensions of the American Political Economy: The Current System." *Peace & Change* 5, no. 2/3 (October 1978), 12–33. <https://doi.org/10.1111/j.1468-0130.1978.tb00382.x>.
- Belz, Herman. *Equality Transformed: A Quarter-Century of Affirmative Action*. Studies in Social Philosophy & Policy, no. 15. Bowling Green, OH: New Brunswick, USA: Social Philosophy & Policy Center; Transaction Publishers, 1991.
- Benison, Saul. "Reflections on Oral History." *The American Archivist* 28, no. 1 (1965), 71–77.
- Bergen, Serge. "Calculation of Directional Antenna Patterns Using Digital Computer Techniques." *IRE Transactions on Broadcast Transmission Systems* PGBTS-12, no. 1 (December 1958,), 22–24. <https://doi.org/10.1109/TPGBTS.1958.4505152>.
- Birkland, Thomas A. *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*. Fourth Edition. New York: Routledge, 2016.
- Bode, Ken. "Why Carter's Big With Blacks." *New Republic* 174, no. 15 (April 10, 1976), 13–17.
- Boschma, Geertje, Margaret Scaia, Nerrisa Bonifacio, and Erica Roberts. "Oral History Research." In *Capturing Nursing History: A Guide to Historical Methods in Research*, edited by Sandra Lewenson, Eleanor Krohn Herrmann, and EBSCO Publishing (Firm). Springer Publishing Company, 2007.
- Boyle, Kevin. "Radio, Race, and the Re-Writing of Civil Rights." Edited by Brian Ward. *Reviews in American History* 33, no. 2 (2005), 249–53.
- Bozdag, Engin. "Bias in Algorithmic Filtering and Personalization." *Ethics and Information Technology* 15, no. 3 (September 2013), 209–27. <https://doi.org/10.1007/s10676-013-9321-6>.
- Brinson, Susan. "Radio's Covenant: The Regulatory Failure of Minority Ownership of Broadcast Facilities." In *Radio Cultures: The Sound Medium in American Life*, edited by Michael C. Keith, 9–22. New York: Peter Lang, 2008.



- Blevins, Jeffrey Layne, and Karla Martinez. "A Political-Economic History of FCC Policy on Minority Broadcast Ownership." *Communication Review* 13, no. 3 (July 2010), 216–38. <https://doi.org/10.1080/10714421.2010.502806>.
- Bunie, Andrew. *Robert L. Vann of the Pittsburgh Courier: Politics and Black Journalism*. Pittsburgh: University of Pittsburgh Press, 1974.
- Byerly, Carolyn M. *Intersectionality, Political Economy, and Media*. 1st ed. New York: Routledge, 2024.
- Caporaso, James A., and David P. Levine. *Theories of Political Economy*. Cambridge: Cambridge University Press, 1992.
- Carter, Rodney G. S. "Of Things Said and Unsaid: Power, Archival Silences, and Power in Silence." *Archivaria*, September 25, 2006, 215–33.
- Clabough, Jeremiah. *Unpuzzling History with Primary Sources*. Teaching and Learning Social Studies. Charlotte, NC: Information Age Publishing, 2016.
- Coleman, Renita. "Oral and Life Histories Giving Voice to the Voiceless." In *Qualitative Research in Journalism: Taking It to the Streets*, edited by Sharon Hartin Iorio, 93–108. LEA's Communication Series. Mahwah, NJ: Lawrence Erlbaum Associates, 2004.
- Cohen, Jeffrey E. "The Dynamics of the 'Revolving Door' on the FCC." *American Journal of Political Science* 30, no. 4 (1986), 689–708. <https://doi.org/10.2307/2111268>
- Cohn, Bernard S., and Teri Silvio. "Race, Gender, and Historical Narrative in the Reconstruction of a Nation: Remembering and Forgetting the American Civil War." In *From the Margins: Historical Anthropology and Its Futures*, edited by Brian Keith Axel, 211–32. Durham: Duke University Press, 2002.
- Coleman, Renita. "Oral and Life Histories Giving Voice to the Voiceless." In *Qualitative Research in Journalism: Taking It to the Streets*, edited by Sharon Hartin Iorio, 93–108. LEA's Communication Series. Mahwah, NJ: Lawrence Erlbaum Associates, 2004.
- Compaine, Benjamin M. "The Impact of Ownership on Content: Does It Matter." *Cardozo Arts & Entertainment Law Journal* 13, no. 3 (1995 1994), 755–80.
- Comaroff, John L., and Jean. Comaroff. *Ethnography and the Historical Imagination*. Studies in the Ethnographic Imagination. Boulder: Westview Press, 1992.
- Connors, Robert J. "Dreams and Play: Historical Method and Methodology." In *Methods and Methodology in Composition Research*, edited by Gesa Kirsch and Patricia A. Sullivan. Carbondale, Ill: Southern Illinois University Press, 1992.

- Cooper, Mark N. *Media Ownership and Democracy in the Digital Information Age: Promoting Diversity with First Amendment Principles and Market Structure Analysis*. Stanford, Calif: Center for Internet & Society, Stanford Law School, 2003.
- Cooper, Phillip J. *The War against Regulation: From Jimmy Carter to George W. Bush*. Studies in Government and Public Policy. Lawrence, Kan.: University Press of Kansas, 2009.
- Cox, Nicole B. "Taking the FCC to Church: The United Church of Christ's Activism in Broadcast Regulation." *First Amendment Studies* 47, no. 1 (May 1, 2013), 38–57. <https://doi.org/10.1080/08997225.2012.732765>.
- Craig, Richard T. *African Americans and Mass Media: A Case for Diversity in Media Ownership*. Lanham, Maryland: Lexington Books, 2014.
- Crain, Andrew Downer. "Ford, Carter, and Deregulation in the 1970s." *Journal on Telecommunications & High Technology Law* 5, no. 2 (2006-2007), 413–48.
- Creech, Kenneth. *Electronic Media Law and Regulation*. 2nd ed. Boston: Focal Press, 1996.
- Crenshaw, Kimberlé Williams. "Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law." *Harvard Law Review* 101, no. 7 (1988): 1331–87. <https://doi.org/10.2307/1341398>.
- Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum* 1989, no. 1, article 8 (n.d.): 139–67.
- Crenshaw, Kimberlé, Neil Gotanda, Gary Peller, and Kendall Thomas, eds. *Critical Race Theory: The Key Writings That Formed the Movement*. New York: New Press, 1995.
- Deakin, Hannah, and Kelly Wakefield. "Skype Interviewing: Reflections of Two PhD Researchers." *Qualitative Research* 14, no. 5 (October 1, 2014), 603–16. <https://doi.org/10.1177/1468794113488126>.
- Delgado, Richard, and Jean Stefancic, eds. *Critical Race Theory: The Cutting Edge. Third Edition*. Philadelphia, PA: Temple University Press, 2013.
- Delgado, Richard, and Jean Stefancic. *Critical Race Theory: An Introduction*. Third edition. Critical America. New York: NYU Press, 2017.
- Denny, George V. "Radio Builds Democracy." *Journal of Educational Sociology* 14, no. 6 (February 1941), 370. <https://doi.org/10.2307/2262537>.

- Derrida, Jacques. *Archive Fever: A Freudian Impression*. Translated by Eric Prenowitz. Paperback edition. Chicago, IL: University of Chicago Press, 1998.
- Dirks, Nicholas B. "Annals of the Archive: Ethnographic Notes on the Sources of History." In *From the Margins: Historical Anthropology and Its Futures*, edited by Brian Keith Axel, 47–65. Durham: Duke University Press, 2002.
- Downs, Anthony. *Inside Bureaucracy*. A Rand Corporation Research Study. Boston: Little, Brown and Company, 1967.
- Dunaway, David K. "Method and Theory in the Oral Biography." *Oral History* 20, no. 2 (1992), 40–44.
- Duranti, Luciana, and Giovanni Michetti. "The Archival Method." In *Research in the Archival Multiverse*, edited by Anne J. Gilliland, Sue McKemmish, and Andrew J. Lau, 75–95. Social Informatics. Clayton, Vic: Monash University Publishing, 2017.
- Durfey, Thomas C., and James A Ferrier. *Religious Broadcast Management Handbook*. Grand Rapids, Mich: Academie Books, 1986.
- Ellmore, R. Terry. *Broadcasting Law & Regulation*. 1st ed. Blue Ridge Summit, PA: Tab Books, 1982.
- Emmison, F. G. and British Broadcasting Corporation. *Introduction to Archives*. London: British Broadcasting Corp, 1964.
- Enkelis, Liane, Karen Olsen, and Marion Lewenstein. *On Our Own Terms: Portraits of Women Business Leaders*. 1st ed. San Francisco: Berrett-Koehler, 1995.
- Etter-Lewis, Gwendolyn. "Black Women's Life Stories: Reclaiming Self in Narrative Texts." In *Women's Words: The Feminist Practice of Oral History*, edited by Sherna Berger Gluck and Daphne Patai, 43–58. New York: Routledge, 1991.
- Evans, Akosua Barthwell. "Are Minority Preferences Necessary? Another Look at the Radio Broadcasting Industry." *Yale Law & Policy Review* 8, no. 2 (1990), 380–413.
- Featherstone, Mike. "Archive." *Theory, Culture & Society* 23, no. 2–3 (May 1, 2006) 591–96. <https://doi.org/10.1177/0263276406023002106>.
- Feldstein, Mark. "Kissing Cousins: Journalism and Oral History." *The Oral History Review* 31, no. 1 (2004), 1–22.
- Ferretti, Fred. "The White Captivity of Black Radio." *Columbia Journalism Review* 9, no. 2 (Summer 1970).

- Fife, Marilyn. "Promoting Racial Diversity in US Broadcasting: Federal Policies versus Social Realities." *Media, Culture & Society* 9, no. 4 (October 1987), 481–504. <https://doi.org/10.1177/016344387009004006>.
- Finkelman, Paul. "The Necessity of the Voting Rights Act of 1965 and the Difficulty of Overcoming Almost a Century of Voting Discrimination." *Louisiana Law Review* 76, no. 1 (2016 2015), 181–224.
- Fitts, Edward O. "Broadcasters and the Public Interest." In *Public Interest and the Business of Broadcasting: The Broadcast Industry Looks at Itself*, edited by Jon T. Powell and Wally Gair, 53–57. New York: Quorum Books, 1988.
- Foote, Kenneth E. "To Remember and Forget: Archives, Memory, and Culture." *The American Archivist* 53, no. 3 (1990), 378–92
- "Forty Megahertz and a Mule: Ensuring Minority Ownership of the Electromagnetic Spectrum." *Harvard Law Review* 108, no. 5 (1995), 1145–62. <https://doi.org/10.2307/1341873>.
- Foster, Daniel H. "From Minstrel Shows to Radio Shows: Racism and Representation in Blackface and Blackvoice." *The Journal of American Drama and Theatre* 17, no. 2 (Spring 2005), 7-16, 86.
- Foucault, Michael. *The Archaeology of Knowledge and the Discourse on Language*. New York: Pantheon Books, 1972.
- Forde, Helen, and Jonathan Rhys-Lewis. *Preserving Archives*. Second edition. 1 online resource (xiv, 272 pages), illustrations vols. Principles and Practice in Records Management and Archives. London: Facet Publishing, 2013.
- Fowler, Mark S. "Lessons from Broadcast Regulation for the Twenty-First Century: A Symposium" Symposium Comments, Administrative Law Review Symposium, American University Washington College of Law, April 16, 2013." *Administrative Law Review* 65, no. 3 (2013), 735–42.
- Gabrielsson, Alf, and Rod Bradbury. *Strong Experiences with Music: Music Is Much More than Just Music*. English ed. Oxford; New York: Oxford University Press, 2011.
- Gaillet, Lynée Lewis. "Archival Survival: Navigating Historical Research." In *Working in the Archives: Practical Research Methods for Rhetoric and Composition*, edited by Alexis E Ramsey, Wendy B Sharer, Barbara L'Eplattenier, and Lisa S Mastrangelo, 28–39. Carbondale: Southern Illinois University Press, 2010.
- Gandy, Oscar H. *Communication and Race: A Structural Perspective*. Communication and Critique. London: Arnold, 1998.

- Garnett, Bernard E. "How Soulful Is 'Soul' Radio?" Tennessee: Race Relations Information Center, May 9, 1970. *Ethnic NewsWatch*.
- Geller, Henry. "Broadcasting and the Public Trustee Notion: A Failed Promise Symposium: The 1986 Federalist Society National Meeting." *Harvard Journal of Law & Public Policy* 10, no. 1 (1987), 87–90.
- Gerston, Larry N. *Public Policy Making: Process and Principles*. Third edition. London: Routledge, 2015.
- Gomery, Douglas. "Radio Broadcasting and the Music Industry." In *Who Owns the Media? Concentration of Ownership in the Mass Communications Industry*, edited by Benjamin M. Compaine, Third Edition. Communications Library. White Plains, NY: Knowledge Industry Publications, 1982.
- Goodlett, Carlton B. "Mass Communications, USA: Its Feet of Clay." *The Black Scholar* 6, no. 3 (November 1, 1974), 2–6. <https://doi.org/10.1080/00064246.1974.11431470>.
- Gormley, William T. "A Test of the Revolving Door Hypothesis at the FCC." *American Journal of Political Science* 23, no. 4 (1979), 665–83.
- Gray, Jonathan, and Robin Andersen. *Battleground: The Media [2 Volumes]*. Westport, Conn: Greenwood, 2008.
- Green, Laura. "Stereotypes: Negative Racial Stereotypes and Their Effect on Attitudes Toward African-Americans," n.d. Accessed May 15, 2023. <https://www.ferris.edu/htmls/news/jimcrow/links/essays/vcu.htm>.
- Greene, Linda S. "Critical Race Theory: Origins, Permutations, and Current Queries." *Wisconsin Law Review*, no. 2 (2021): 259–68.
- Gross, Lynne S. *Telecommunications: An Introduction to Electronic Media*. 3rd ed. Dubuque, IA: W.C. Brown, 1988.
- Grundfest, Joseph. "Participation in FCC Licensing." *Journal of Communication* 27, no. 1 (March 1, 1977), 85–88. <https://doi.org/10.1111/j.1460-2466.1977.tb01801.x>
- Guback, Thomas H. "Political Broadcasting and Public Policy Issues in Broadcasting." *Journal of Broadcasting* 12, no. 3 (1968 1967), 191–212.
- Hall, Stuart. "Spectacle of the 'Other.'" In *Representation: Cultural Representations and Signifying Practices*, edited by Stuart Hall, 225–77. London: SAGE, 1997.
- Hammond, Allen S. IV. "Now You See It, Now You Don't: Minority Ownership in an Unregulated Video Marketplace." *Catholic University Law Review* 32, no. 3 (1983 1982), 633–64.

- Hartman, Saidiya V. *Lose Your Mother: A Journey along the Atlantic Slave Route*. New York: Farrar, Straus and Giroux, 2007.
- Hatcher, Richard G. "Mass Media and the Black Community." *The Black Scholar* 5, no. 1 (September 1, 1973), 2–10. <https://doi.org/10.1080/00064246.1973.11431339>.
- Hayes, Joy Elizabeth. "Good Neighbours, Educators, and Active Listeners: Radio Resources in the National Archives." *New Review of Film and Television Studies* 16, no. 4 (October 2, 2018): 468–72. <https://doi.org/10.1080/17400309.2018.1524961>.
- Helgesen, Sally. *The Female Advantage: Women's Ways of Leadership*. A Currency Paperback. New York, NY: Doubleday Currency, 1995.
- Henige, David. "Where Seldom Is Heard a Discouraging Word: Method in Oral History." *The Oral History Review* 14, no. 1 (January 1, 1986): 35–42. <https://doi.org/10.1093/ohr/14.1.35>.
- Herter, Christian A. Jr. "The Electromagnetic Spectrum: A Critical Natural Resource." *Natural Resources Journal* 25, no. 3 (1985), 651–64.
- Hill, Donald K. "The Broadcast Industry and Black Cultural Restitution." *The Review of Black Political Economy* 1, no. 2 (September 1970), 83–98. <https://doi.org/10.1007/BF03040642>.
- Hilmes, Michele. "Invisible Men: Amos 'n' Andy and the Roots of Broadcast Discourse." *Critical Studies in Mass Communication* 10, no. 4 (December 1993), 301–21. <https://doi.org/10.1080/15295039309366873>.
- . "Rethinking Radio." In *Radio Reader: Essays in the Cultural History of Radio*, edited by Michele Hilmes and Jason Loviglio, 1–19. New York: Routledge, 2002.
- Hine, Darlene Clark, Elsa Barkley Brown, and Rosalyn Terborg-Penn, eds. *Black Women in America: An Historical Encyclopedia*. Brooklyn, NY.: Carlson Pub., 1993.
- Hogan, Lloyd L. *Principles of Black Political Economy*. Victoria, B.C.: Trafford, 1999.
- Honig, David. "How the FCC Suppressed Minority Broadcast Ownership, and How the FCC Can Undo the Damage It Caused." *Southern Journal of Policy and Justice* XII (2018), 44–104.
- Honig, David E. "Lessons for the 1999 WARC." *Journal of Communication* 30, no. 2 (June 1, 1980), 48–58. <https://doi.org/10.1111/j.1460-2466.1980.tb01965.x>.
- Hooks, Benjamin L., and Jerry Guess. *The March for Civil Rights: The Benjamin Hooks Story*. ABA Biography Series. Chicago: American Bar Association, 2003.

- Hoopes, James. *Oral History: An Introduction for Students*. Chapel Hill: University of North Carolina Press, 1979.
- Horwitz, Robert Britt. *The Irony of Regulatory Reform: The Deregulation of American Telecommunications*. 1. publ. in paperback. New York: Oxford Univ. Press, 1990.
- Horowitz, Robert B. "On Media Concentration and the Diversity Question." In *Media Diversity and Localism: Meaning and Metrics*, edited by Philip M. Napoli, 9–56. LEA's Communication Series. Mahwah, NJ: Lawrence Erlbaum Associates, 2007.
- Hull, Gloria T, Patricia Bell Scott, and Barbara Smith, eds. *All the Women Are White, All the Blacks Are Men, but Some of Us Are Brave: Black Women's Studies*. Old Westbury, NY., 1982. <http://hdl.handle.net/2027/mdp.39015035336307>.
- James, Franklin J., and Thomas A. Clark. "Minority Business in Urban Economies." *Urban Studies* 24, no. 6 (1987), 489–502.
- Jansen, Sue Curry., Jefferson. Pooley, and Lora Taub-Pervizpour. *Media and Social Justice*. 1st ed. New York: Palgrave Macmillan, 2011.
- Janesick, Valerie J. *Oral History for the Qualitative Researcher: Choreographing the Story*. New York: Guilford Press, 2010.
- Johnson, Frank W. "A History of the Development of Black Radio Networks in the United States." *Journal of Radio Studies* 2, no. 1 (January 1993), 173–87. <https://doi.org/10.1080/19376529309384515>.
- Joint Center for Political Studies. "Perspective: Republican Reaction to the Election." *FOCUS* 5, no. 2 (February 1977), 2–8.
- Kahlenberg, Richard S. "Negro Radio." *Negro History Bulletin* 29, no. 6 (March 1966), 127–28, 142–43.
- . *Keith's Radio Station: Broadcast, Internet, and Satellite*. Eighth edition. Burlington, MA: Focal Press, 2010.
- Keith, Michael C. *Talking Radio: An Oral History of American Radio in the Television Age*. Armonk, NY.: M.E. Sharpe, 2000.
- Kelley, Robin D. G. *Into the Fire: African Americans since 1970*. New York: Oxford University Press, 1996.
- Ketelaar, Eric. "Archival Temples, Archival Prisons: Modes of Power and Protection." *Archival Science* 2, no. 3 (September 1, 2002), 221–38. <https://doi.org/10.1007/BF02435623>.

- Kim, Haeryon. "Theorizing Deregulation: An Exploration of the Utility of the 'broadcast Policy-Making System'." *Journal of Broadcasting & Electronic Media* 36, no. 2 (1992), 153.
- Kranz, Rachel. *African-American Business Leaders and Entrepreneurs. A to Z of African Americans*. New York, NY: Facts On File, Inc, 2004.
- Krasnow, Erwin G., and Lisa M. Fowlkes. "The FCC's Minority Tax Certificate Program: A Proposal for Life after Death." *Federal Communications Law Journal* 51, no. 3 (May 1999), 665–79.
- Krasnow, Erwin G., Lawrence D. Longley, and Herbert A. Terry. *The Politics of Broadcast Regulation*. 3rd ed. New York: St. Martin's Press, 1982.
- Krasnow, Erwin G., and Jack N. Goodman. "The Public Interest Standard: The Search for the Holy Grail." *Federal Communications Law Journal* 50, no. 3 (1998), 605–36.
- LaPira, Timothy M, and Herschel F Thomas. "Revolving Door Lobbyists and Interest Representation." *Interest Groups & Advocacy* 3, no. 1 (March 1, 2014): 4–29. <https://doi.org/10.1057/iga.2013.16>.
- Larson, Mary. "Research Design and Strategies." In *Handbook of Oral History*, edited by Thomas L. Charlton, Lois E Myers, and Rebecca Sharpless, 105–23. Lanham, MD: Altamira Press, 2006.
- Laybourn, Wendy Marie, and Gregory Scott Parks. "Omega Psi Phi Fraternity and the Fight for Civil Rights." *SSRN Electronic Journal*, 2016. <https://doi.org/10.2139/ssrn.3004062>.
- Lehne, Richard. *Government and Business: American Political Economy in Comparative Perspective*. New York, NY: Chatham House Publishers, 2001.
- Leonardo, Micaela di. *Black Radio/Black Resistance: The Life & Times of the Tom Joyner Morning Show*. Oxford University Press, 2019.
- Levin, Harvey J. "Economic Effects of Broadcast Licensing." *Journal of Political Economy* 72, no. 2 (April 1964), 151–62. <https://doi.org/10.1086/258884>.
- Linthicum, J. "A Guide to the FCC's Rulemaking Procedures." *IEEE Communications Magazine* 19, no. 4 (July 1981), 34–37. <https://doi.org/10.1109/MCOM.1981.1090539>.
- Lowndes, Joseph. "William F. Buckley Jr.: Anti-Blackness as Anti-Democracy." *American Political Thought* 6, no. 4 (November 2017), 632–40. <https://doi.org/10.1086/694557>.
- Massey, Douglas S. *Categorically Unequal: The American Stratification System*. A Russell Sage Foundation Centennial Volume. New York: Russell Sage Foundation, 2007.



- Matelski, Marilyn J. "Resilient Radio." In *Radio—: The Forgotten Medium*, edited by Edward C. Pease and Everette E. Dennis, 5–14. New Brunswick, NJ, U.S.A: Transaction Publishers, 1995.
- McChesney, R. W. "The Political Economy of Communication and the Future of the Field." *Media Culture and Society* 22, no. Part 1 (2000), 109–16.
- McChesney, Robert W. "The Political Economy of International Communications." In *Who Owns the Media? Global Trends and Local Resistances*, edited by Pradip Thomas and Zaharom Nain, 3–22. London; New York: Penang, Malaysia: New York: Zed Books; Southbound; Distributed exclusively in the U.S. by Palgrave, 2004.
- McDowell, Bill. *Historical Research: A Guide for Writers of Dissertations, Theses, Articles and Books*. London: Routledge, 2002.
- Melody, William H. "Radio Spectrum Allocation: Role of the Market." *The American Economic Review* 70, no. 2 (1980), 393–97.
- Mosco, Vincent. "Political Economy." In *The Routledge Companion to Global Popular Culture*, edited by Toby Miller. New York: Routledge, Taylor & Francis Group, 2015.
- . *The Political Economy of Communication*. 2nd ed. Los Angeles: SAGE, 2009.
- Nakamura, Lisa. "Indigenous Circuits: Navajo Women and the Racialization of Early Electronic Manufacture." *American Quarterly* 66, no. 4 (December 2014), 919–41.
- Napoli, Philip M., and Joe Karaganis. "Toward a Federal Data Agenda for Communications Policymaking." *CommLaw Conspectus: Journal of Communications Law and Policy* 16, no. 1 (2007), 53-96.
- Napoli, Philip M. "The Federal Communications Commission and Broadcast Policy Making-1966-95: A Logistic Regression Analysis of Interest Group Influence." *Communication Law and Policy* 5, no. 2 (April 2000), 203–33.  
[https://doi.org/10.1207/S15326926CLP0502\\_3](https://doi.org/10.1207/S15326926CLP0502_3).
- . "Audience Valuation and Minority Media: An Analysis of th Determinants of the Value of Radio Audiences." *Journal of Broadcasting & Electronic Media* 46, no. 2 (June 1, 2002), 169–84. [https://doi.org/10.1207/s15506878jobem4602\\_1](https://doi.org/10.1207/s15506878jobem4602_1).
- Napoli, Philip Michael. "Regulatory Behavior and the Federal Communications Commission: An Analysis of Broadcast Policy Making and Enforcement Activity." Northwestern University, 1997.
- Neal, Brenda D. "Minorities in the Administration." *FOCUS* 5, no. 3 (March 1977), 6.

- Newton, Gregory D. "Localism Reconsidered: The Lessons of Docket 80-90 and Low Power FM." In *Proceedings of the Annual Meeting of the Association for Education in Journalism and Mass Communication (85th, Miami, Florida, August 5-8, 2002)*. Law Division, 210–47. Miami, Fl, 2002. [http://archive.org/details/ERIC\\_ED473795](http://archive.org/details/ERIC_ED473795).
- Ngoepe, Mpho. "Whose Truth Is True?: The Use of Archival Principles to Authenticate Oral History." Chapter. *Handbook of Research on Connecting Research Methods for Information Science Research*. IGI Global, 2020. <https://doi.org/10.4018/978-1-7998-1471-9.ch016>.
- Noble, Safiya Umoja. *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York: New York University Press, 2018. <https://nyupress.org/books/9781479837243/>.
- Okeowo, Alexis. "How Saidiya Hartman Retells the History of Black Life." *New Yorker*, October 19, 2020.
- Ørmen, Jacob. "Googling the News: Opportunities and Challenges in Studying News Events through Google Search." *Digital Journalism* 4, no. 1 (January 2, 2016): 107–24. <https://doi.org/10.1080/21670811.2015.1093272>.
- Palmer, Ruth. *Becoming the News: How Ordinary People Respond to the Media Spotlight*. New York: Columbia University Press, 2017.
- Presnell, Jenny L. *The Information-Literate Historian: A Guide to Research for History Students*. New York: Oxford University Press, 2007.
- "Public Papers of the Presidents of the United States: 1979: vol.1: Carter." District of Columbia: Federal Register Division, National Archives and Records Service, General Services Administration: U.S. G.P.O, 1979.
- "Public Papers of the Presidents of the United States: 1979: vol.2: Carter." District of Columbia: Federal Register Division, National Archives and Records Service, General Services Administration: U.S. G.P.O, 1979.
- Rainbow, Cindy. "Radio Deregulation and the Public Interest: Office of Communication of the United Church of Christ v. Federal Communications Commission Comment." *Cardozo Arts & Entertainment Law Journal* 4, no. 1 (1985), 169–202.
- Redd, Lawrence N. "Radio Deregulation: The Impact on Black Families and Nonprofit Social Agencies." *Journal of Black Studies* 22, no. 2 (December 1991), 216–38.
- Rhodes, Jane. *Mary Ann Shadd Cary: The Black Press and Protest in the Nineteenth Century*. Bloomington: Indiana University Press, 1998.
- Rice, A.J. "Political Economy and the Tradition of Radical Black Study." *Souls* 22, no. 1 (January 2, 2020), 44–55. <https://doi.org/10.1080/10999949.2020.1804805>.

- Robinson, Ethan M., and Amanda P. Turner, eds. *National Archives and Records Administration. Government Procedures and Operations*. Hauppauge, NY: Nova Science Publisher's, Inc, 2011.
- Robinson, Kenneth. "Some Thoughts on Broadcasting Reform Airwaves for Sale." *Regulation* 7, no. 3 (1983), 17–50.
- Rohde, Gregory Lewis. *Minority Broadcast Ownership*. Hauppauge, NY: Novinka Books, 2002.
- Rothenbuhler, Eric, and Tom McCourt. "Radio Redefines Itself, 1947-1962." In *Radio Reader: Essays in the Cultural History of Radio*, edited by Michele Hilmes and Jason Loviglio, 367–87. New York: Routledge, 2002.
- Rouson, Brigette. "Changing Channels: People of Color Pushed to Buy TV and Radio Stations During the 1980s. So Why Are the Media Still so White?" *Southern Exposure: A Journal of Politics and Culture* XX, no. 4 (Winter 1992), 18–21.
- Russell, Michele. "Black-Eyed Blues Connections: Teaching Black Women." In *All the Women Are White, All the Blacks Are Men, but Some of Us Are Brave: Black Women's Studies*, edited by Gloria T Hull, Patricia Bell Scott, and Barbara Smith. Old Westbury, NY, 1982.
- SAA Council Statement on Impact of Covid-19 Health Crisis on Archive Workers," Society of American Archivists, January 12, 2023. <https://www2.archivists.org/news/2020/saa-council-statement-on-impact-of-covid-19-health-crisis-on-archives-workers>.
- Sagert, Kelly Boyer. *The 1970s: American Popular Culture through History*. Westport, CT: Greenwood Press, 2007.
- Sandoval, Catherine J.K. "Minority Commercial Radio Ownership: Accessing FCC Licensing and Consolidation Policies." In *Communications Research in Action: Scholar-Activist Collaborations for a Democratic Public Sphere*, edited by Philip M. Napoli and Minna Aslama, 88–113. Fordham University Press, 2011.
- Savage, Barbara Dianne. *Broadcasting Freedom: Radio, War, and the Politics of Race, 1938-1948*. The John Hope Franklin Series in African American History & Culture. Chapel Hill: University of North Carolina Press, 1999.
- Schiller, Dan. "Foreword." In *Public Broadcasting and the Public Interest*, edited by Michael P. McCauley, B. Lee Artz, and Deedee Halleck, 1st ed. Routledge, 2016. <https://doi.org/10.4324/9781315290690>.
- Schwartz, Joan M., and Terry Cook. "Archives, Records, and Power: The Making of Modern Memory." *Archival Science* 2, no. 1 (March 1, 2002): 1–19. <https://doi.org/10.1007/BF02435628>.

- Shankman, Arnold. "Black Pride and Protest: The Amos 'n' Andy Crusade of 1931." *Journal of Popular Culture* 12, no. 2 (Fall 1978), 236.
- Sheehan, Tanya, Sarah Burns, Suzanne Hudson, Brenna Wynn Greer, John Ott, Jonathan D. Katz, Erika Doss, Lisa Uddin, and Daniel Peltz. "In Conversation: Archives and the Pandemic." *Archives of American Art Journal* 60, no. 1 (March 2021), 80–89. <https://doi.org/10.1086/714303>.
- Sheftel, Anna, and Stacey Zembrzycki. "Slowing Down to Listen in the Digital Age: How New Technology Is Changing Oral History Practice." *Oral History Review* 44, no. 1 (May 24, 2017), 94–112.
- Shockley, Ann Allen. "Oral History: A Research Tool for Black History." *Negro History Bulletin* 41, no. 1 (1978), 787–89.
- Shopes, Linda. "Oral History." In *The SAGE Handbook of Qualitative Research*, edited by Norman K. Denzin and Yvonna S. Lincoln, 451–66, 2011.
- Siemering, William. "Radio, Democracy and Development: Evolving Models of Community Radio." *Journal of Radio Studies* 7, no. 2 (November 1, 2000): 373–78.
- Singleton, Loy A. "FCC Minority Ownership Policy and Non-entertainment Programming in Black-oriented Radio Stations." *Journal of Broadcasting* 25, no. 2 (1981), 195–201. <https://doi.org/10.1080/08838158109386442>.
- Slotten, Hugh R. *Radio and Television Regulation: Broadcast Technology in the United States, 1920-1960*. Baltimore: Johns Hopkins University Press, 2000.
- Sommer, Barbara W., and Mary Kay Quinlan. *The Oral History Manual*. Second. Lanham: Altamira Press, 2009.
- Smith, F. Leslie. *Perspectives on Radio and Television: Telecommunication in the United States*. New York: Harper & Row, 1985.
- Smith, F. Leslie, Milan D. Meeske, and John W. II. Wright. *Electronic Media and Government: The Regulation of Wireless and Wired Mass Communication in the United States*. White Plains, N.Y.: Longman Publishers, 1995.
- Smith, Kevin B., and Christopher W. Larimer. *The Public Policy Theory Primer*. 2nd ed. Boulder, Colo: Westview Press, 2013.
- Smith, Reed W. "Charles Ferris: Jimmy Carter's FCC Innovator." *Journal of Radio & Audio Media* 21, no. 1 (January 2014), 149–62. <https://doi.org/10.1080/19376529.2014.891212>.

- Smythe, Dallas W. "Radio: Deregulation and the Relation of the Private and Public Sectors." *Journal of Communication* 32, no. 1 (March 1, 1982), 192–201. <https://doi.org/10.1111/j.1460-2466.1982.tb00489.x>.
- Spencer, David R. "To Theorize or Not to Theorize." *American Journalism* 22, no. 1 (2005), 141–45. <https://doi.org/10.1080/08821127.2005.10677636>.
- Steedman, Carolyn. "Something She Called a Fever: Michelet, Derrida, and Dust." *The American Historical Review* 106, no. 4 (2001), 1159–80. <https://doi.org/10.2307/2692943>.
- Steedman, Carolyn. "After the Archive." *Comparative Critical Studies* 8, no. 2–3 (October 1, 2011): 321–40. <https://doi.org/10.3366/ccs.2011.0026>.
- Stilwell, Rachel. "Which Public - Whose Interest - How the FCC's Deregulation of Radio Station Ownership Has Harmed the Public Interest, and How We Can Escape from the Swamp." *Loyola of Los Angeles Entertainment Law Review* 26, no. 3 (March 1, 2006), 369.
- Stoler, Ann Laura. "Colonial Archives and the Arts of Governance." *Archival Science* 2, no. 1 (March 1, 2002), 87–109. <https://doi.org/10.1007/BF02435632>.
- . Ann Laura. *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*. Princeton, NJ: Princeton University Press, 2009.
- Stone, Chuck. "Black Political Power in the Carter Era." *The Black Scholar* 8, no. 4 (1977), 6–15.
- Suggs, Henry Lewis, "The Black Press in the Middle West, 1865-1985." *The American Historical Review* 102, no. 1 (1997) 266.
- Sundaramoorthy, Robin Mazyck, and Jinx C. Broussard. "Writing and 'Righting': African American Women Seek the Vote." In *Front Pages, Front Lines: Media and the Fight for Women's Suffrage*, edited by Linda Steiner, Carolyn Kitch, and Brooke Kroeger, 78–97. University of Illinois Press, 2020. <https://doi.org/10.5406/j.ctvxkn5tp.8>.
- Surlin, Stuart H. "Broadcasters' Misperceptions of Black Community Needs." *Journal of Black Studies* 4, no. 2 (December 1973), 185–93. <https://doi.org/10.1177/002193477300400205>.
- Taylor, Hugh A. "The Collective Memory: Archives and Libraries as Heritage." *Archivaria*, January 1, 1982, 118–30.
- Terry, Herbert A., and Erwin G. Krasnow. "In Defense of the 'Broadcast Policy Making System' Model." *Journal of Broadcasting & Electronic Media* 36, no. 4 (Fall 1992), 479. <https://doi.org/10.1080/08838159209364196>.
- The Joint Center for Political Studies. *The Black Vote: Election '76*. Washington, DC, 1977.

- Timothy, Dallen J. “Archival Research.” In *Handbook of Research Methods in Tourism*, edited by Larry Dwyer, Alison Gill, and Neelu Seetaram. Edward Elgar Publishing, 2012. <https://doi.org/10.4337/9781781001295>.
- Trauth, Denise M., and John L. Huffman. “A Case Study of a Difference in Perspectives: The DC Circuit Court of Appeals and the FCC.” *Journal of Broadcasting & Electronic Media* 33, no. 3 (June 1, 1989): 247–72. <https://doi.org/10.1080/08838158909364080>.
- Trouillot, Michel-Rolph. *Silencing the Past: Power and the Production of History*. Boston, MA: Beacon Press, 1995.
- “The Role of Black Media.” *The Black Scholar* 6, no. 3 (November 1, 1974), 1. <https://doi.org/10.1080/00064246.1974.11431469>.
- Tillinghast, Charles H. *American Broadcast Regulation and the First Amendment: Another Look*. 1st ed. Ames, IA: Iowa State University Press, 2000.
- Ventresca, Marc J., and John W. Mohr. “Archival Research Methods.” In *The Blackwell Companion to Organizations*, edited by Joel A. C. Baum, 805–28. Oxford, UK: Blackwell Publishing Ltd, 2017. <https://doi.org/10.1002/9781405164061.ch35>.
- Ward, Brian. *Radio and the Struggle for Civil Rights in the South*. New Perspectives on the History of the South. Gainesville: University Press of Florida, 2004.
- Washington, Frank. “Toward Community Ownership of Cable Television.” *The Yale Law Journal* 83, no. 8 (July 1974), 1708–29.
- Wasko, Janet. “Studying the political economy of media and information.” *Comunicação e Sociedade* 7 (June 20, 2005): 25–48. [https://doi.org/10.17231/comsoc.7\(2005\).1208](https://doi.org/10.17231/comsoc.7(2005).1208).
- Walker, James, Chris Brewster, Rita Fontinha, Washika Haak-Saheem, Stefano Benigni, Fabio Lamperti, and Dalila Ribaudó. “The Unintended Consequences of the Pandemic on Non-Pandemic Research Activities.” *Research Policy* 51, no. 1 (January 1, 2022), 104369. <https://doi.org/10.1016/j.respol.2021.104369>.
- Walker, Stephen P. “The Search for Clues in Accounting History.” In *The Real Life Guide to Accounting Research: A Behind-the-Scenes View of Using Qualitative Research Methods*, edited by Christopher Humphrey and Bill H.K. Lee, vol. 1st ed. Amsterdam: Elsevier Science, 2004.
- Weintraut, Linda, and Jane R. Nolan, eds. *In the Public Interest: Oral Histories of Hoosier Broadcasters*. Indianapolis: Indiana Historical Society, 1999.
- Weems, Robert E., and Lewis A. Randolph. *Business in Black and White: American Presidents & Black Entrepreneurs in the Twentieth Century*. New York: New York University Press, 2009.

- West, Cornel. "Foreword." In *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas, xi–xii. New York: New Press, 1995.
- Williams, Brien R. "Doing Video Oral History." In *Handbook of Oral History*, edited by Thomas L Charlton, Rebecca Sharpless, and Lois E Myers. Lanham, MD: Altamira Press, 2006.
- Yanich, Danilo. "Does Ownership Matter? Localism, Content, and the Federal Communications Commission." *Journal of Media Economics* 23, no. 2 (2010), 51–67.  
<https://doi.org/10.1080/08997764.2010.485537>.
- Zeitlyn, David. "Anthropology in and of the Archives: Possible Futures and Contingent Pasts. Archives as Anthropological Surrogates." *Annual Review of Anthropology* 41, no. 1 (September 24, 2012), 461–80. <https://doi.org/10.1146/annurev-anthro-092611-145721>.
- Zook, Kristal Brent. *I See Black People: The Rise and Fall of African American Owned Television and Radio*. New York: Nation Books, 2008.