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Civil Rights Organizations File Amicus Brief in *National Religious Broadcasters v. FCC*, Defending the Agency's Efforts to Increase Public Transparency

Last week, the Legal Defense Fund (LDF), Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC), National Women's Law Center, Office of Communications of the United Church of Christ, National Partnership for Women and Families, The Global Black Economic Forum, LatinoJustice PRLDEF, National Center for Lesbian Rights, and the Southern Poverty Law Center, filed an amicus brief in the U.S. Court of Appeals for the Fifth Circuit, defending the Federal Communications Commission's (FCC) decision to require television and radio broadcasters with five or more full-time employees to report on the race, ethnicity, and

This filing comes in response to *National Religious Broadcasters v. FCC*, a case challenging the FCC's collection and sharing of workforce demographic data from broadcasters. Petitioners in this case argue, among other things, that the FCC's requirement violates the government's equal protection obligations under the Fifth Amendment and the Free Speech Clause of the First Amendment. The brief rejects these arguments, explaining that the collection of demographic data is fully consistent with the U.S. Constitution and an important tool to promote equal opportunity in the workplace.

"Broadcasters aspiring to excellence know that they cannot afford to leave talent on the table," **said Michael Turnage Young, Senior Counsel and Co-Manager of the Equal Protection Initiative at LDF.** "Withholding workforce demographic data undermines efforts to diagnose and remove unfair barriers to equal opportunity that prevent broadcasters from leveraging the full universe of talent in this country."

"The FCC has made clear that the purpose of collecting demographic data and its publication is to facilitate analysis of industry trends, and to make reports to the U.S. Congress," **said Kacey Mordecai, Justice in Public Safety Project Counsel at LDF.** "We urge the Court to reject the illogical conclusion that the mere collection and publication of routine demographic data will somehow lead to unlawful discrimination."

"The Petitioners are trying to make a mountain out of a molehill," **said Noah Baron, Assistant Director, Litigation at Asian Americans Advancing Justice | AAJC.** "Far from a constitutional violation, the regulation is in line with a variety of other government data collection practices which courts have regularly upheld. What's more, the availability of this data promotes the values underlying First Amendment, promoting the free flow of information."

Beyond that, the data will help broadcasters as well, enabling them to track demographic trends internally and in their industry. Every media outlet collects data on its demographic reach to understand how to tailor its news stories and attract advertisers that speak to those demographic audiences. It is for those same reasons that media companies should care about employment trends, so they can identify and rectify discrimination, and thereby attract talent that will deliver the content that is relevant for their audiences."

The filing can be found [here](#).

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Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.

[Asian Americans Advancing Justice – AAJC](#) has a mission to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all.