

REMARKS OF COMMISSIONER MICHAEL J. COPPS
Equal Employment Opportunity
***En Banc* Hearing**
June 24, 2002

I am pleased to welcome all of today's panelists and participants to this important hearing. Some have come a long ways to get here today, distance-wise, and we thank you for that. Others have come a long ways fighting to break down barriers and to open doors of equal opportunity, and we thank you for being here, too. We've been many, many years getting to an *en banc* hearing on Equal Employment Opportunity; the last one was, I am told, in 1973! So I commend the Chairman for his leadership in making this happen.

We at this Commission are in the middle of a struggle to establish effective rules to ensure that the doors to employment in our media industries are opened wide for all Americans. The fact that the D.C. Circuit has twice struck down our EEO Rules does not mean that we should shy away from a strong commitment to a proactive program of equal opportunity. That would be Constitutionally unnecessary and morally unforgivable. What the Court's action does mean is that we have to work harder, be more creative, and discover, together, how to reach our goal.

To be frank, there are counsels of caution, even -- in some quarters -- the feeling that we had best not push very hard for fear of yet another Court rejection. But that approach is not sound counsel; it is instead a formula for retreat and defeat, and it is at odds with the whole direction and progress of America over the past 40 years.

By now, we should all understand that America's strength *is* its diversity. Diversity is not a problem to be accommodated; it is an opportunity to be developed. We will succeed in the Twenty first century not in spite of our diversity, but *because* of our diversity. As our friends in the Congressional Hispanic, Black and Asian Pacific American Caucuses remind us in their insightful letter of June 21, "Diversity is the backbone and strength of our great nation, and diversity provides the opportunity for us to become an even greater nation." Of course we have to act in light of the D.C. Circuit Court's decisions. But we must not allow these decisions to halt our progress toward true equal opportunity in the media industry.

Our first panel will give us more insight into the critical role that our EEO rules have played in these industries, and information about the obstacles that stand between success and us. We will hear, clearly and frankly I hope, about the problems that many have had in learning about job openings and getting hired, about the state of diversity in our licensee's companies today, and about the wide differences in various companies' dedication to making equal opportunity a reality.

Our second panel will help us find solutions to these problems. I believe in these industries and in the ingenuity and good citizenship of American broadcasters and cable companies. Our second panel is living proof that a number of companies are aggressively continuing their outreach efforts even after the court's ruling. Their hard work in connecting with their communities has improved their workforces and improved the diversity of their companies. We need to distill from these successes best practices that other companies can

employ. I look forward to hearing from people actually trying to achieve equal opportunity about what they think could work, and about what they think won't work.

I welcome hearing good news; but I want to know about the bad and the ugly, too. We've got a big job to do and a long ways to go, so I hope today no one will pull any punches and that you will tell us how we can work together to open the doors of opportunity even wider.

Why is this so important? Here's one reason: Just two years ago, a FCC-commissioned study by the Ivy Group found that "Women and minorities faced pervasive discrimination" in the media industries over the last fifty years. The study found that the loosening of the ownership caps made these barriers nearly insurmountable for small, minority- and women-owned businesses attempting to thrive or even enter the broadcast industry. The report concluded that government actions or inaction on particular regulatory and market issues have exacerbated the barriers. These actions and inactions include "the uneven enforcement of EEO policy . . ."

In that same Ivy Group study, former Commissioner Henry Rivera, who I am so pleased to see hear today because he has been a real leader on this, explained how EEO rules are critical not only to jobs today, but to new voices in the media tomorrow. He explained that new people hired for positions in the media companies are the "farm team" for the future of the industry. He correctly noted, "Those are the folks that you look to in the future to get into ownership." If the doors to jobs with our licensees are not open today, the doors to diverse ownership and a multiplicity and diversity of voices in the media are already closed for the future.

So let's not look on this hearing as an isolated proceeding. It is, in fact, related to so many other things we do. How we craft these rules will affect not just employment in the ranks, but employment in the upper management ranks and in ownership, too. How we craft these rules will have much to do with our ability to enhance diversity in programming. The two go together. Note also that I said "diversity" of programming and not "variety" – there's a big and substantive difference. How we craft these rules is also related -- closely, intimately connected -- to the public interest that both the FCC and broadcasters are charged to promote. This is not something we do at the fringes, or something divorced from our other ongoing work; it is, rather, at the heart of what we do, and how we do here will affect how we do across-the-board.

We can do better than we're doing now. This includes the industry. This includes the FCC. We must *all* do better – both as trustees of the people's spectrum and as citizens of this land of ever-greater opportunity. So let's roll up our sleeves and get to work.

Thank you.