

OPENING REMARKS OF COMMISSIONER KEVIN J. MARTIN
En Banc Hearing on Equal Employment Opportunity
June 25, 2002

I want to welcome and thank all of you here who have taken considerable time out of your schedules to help educate us today. You are each in a unique position, capable of explaining to us both the challenges and opportunities inherent in crafting rules to promote equal employment opportunity in the cable and broadcast industries.

Certainly, creating EEO rules that will withstand court scrutiny is an extremely important responsibility for this Commission. I believe we all share the same goal: designing a broad outreach program that is comprehensive, effective, and constitutional.

I believe it is important to remember that a successful EEO program can be a valuable tool to promote not just diversity, but also true competition. Broad outreach will benefit our society tremendously by enabling the media to take advantage of the rich diversity of our nation. By expanding our recruitment efforts, broadcasters and multi-channel video programming distributors are more likely to find the best-qualified candidate. And when the media has a more talented workforce, we all reap the benefits.

I therefore am particularly interested in hearing from the witnesses today who are able to speak about what tools actually can create such an outreach program. I know many of you have had successful programs in place for some time, and I commend you. I look forward to learning from you what constitutes “best practices” in promoting equal employment opportunities.

While I am confident that we will succeed in creating an effective outreach program, I am cognizant of the Commission’s history in this area. Twice the courts have struck down this agency’s EEO rules as unconstitutional. This time, as we draft new EEO rules, we must make sure that we give proper heed to the courts’ instructions. In that regard, I hope that our witnesses will address any weaknesses that our proposed rules might have. For instance, I understand from talking with several of you that the information the Commission has collected in annual employment reports on the race and gender make-up of a licensee’s workforce has been extremely important in analyzing industry trends and assessing which outreach methods are effective. I would be interested in any ideas you might have to collect such information in a manner that makes our rules less susceptible to a constitutional challenge.

Again, I thank you for your time and your willingness to share your concerns and insights. I look forward to hearing your testimony.