

SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN

Re: Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies (MM Docket Nos. 98-204).

I support initiating this proceeding to craft equal employment opportunity rules that will withstand constitutional scrutiny. I believe an effective outreach program will benefit our society tremendously. Enhanced recruitment increases the probability that individuals from all backgrounds will learn about industry openings. Likewise, by expanding their recruitment sources, broadcasters and multi-channel video programming distributors are more likely to find the best-qualified candidate. And when broadcasters and MVPDs have a more talented workforce, we all reap the benefits.

I am, however, cognizant of the Commission's history in this area. Twice the courts have struck down this agency's EEO rules as unconstitutional and we must make sure that we give proper heed to the courts' instructions. In that regard, I would have been more cautious about reaching some of the tentative conclusions contained in the Notice we release today. I appreciate my colleagues' willingness to request comment on several issues, particularly whether we should permit entities to submit some information in their annual employment reports anonymously, in light of our commitment to look at this data only to "analyze industry trends."

I look forward to working with my colleagues and the public to design effective, constitutional rules promoting equal employment opportunity for all.