

October 1, 1981

DISSENTING STATEMENT OF

Commissioners Anne P. Jones and James H. Quello

In Re: Renewal applications of Broadcast Associates of New Mexico
(Stations KXKS and KKJY (FM)) and Pappas Telecasting
Incorporated (KMPH (TV))

We object to the imposition of EEO reporting requirements on these renewal applicants.

In the information submitted to us by the staff there is no evidence that either of these applicants discriminates in its employment practices. Indeed, in the case of Pappas Telecasting, information recently received from it indicates that it has made, and continues to make, substantial effort to bring its employment profile into compliance with our "guidelines". The reporting requirements are therefore imposed on these applicants not on any showing that they discriminate in hiring or fail affirmatively to recruit women and minority employees, but solely for the reason that they have not succeeded in hiring and retaining enough minority employees to meet our "guidelines".

At a time when budget stringencies are requiring this Commission to reexamine its priorities, we believe the Commission should reconsider whether it is our proper function to harass broadcast licensees simply for failure to have enough women and minority employees. This does not mean we believe the Commission should be indifferent to the hiring practices of our licensees. On the contrary, we believe that where unlawful discrimination is proven, very strong action would be appropriate. However, where no discrimination is shown, or even alleged, and especially where there is evidence of good faith affirmative action efforts, we believe the Commission should refrain from insisting that licensees hire according to some arbitrary formula designed to meet our guidelines, and devote its limited resources instead to its primary regulatory responsibilities under the Communications Act.