

**Remarks of Commissioner Robert M. McDowell**  
**FCC Advisory Committee on Diversity for Communications in the Digital Age**  
**December 6, 2011**

I am delighted that the Diversity Committee is *finally* meeting and I thank this incredibly talented group for agreeing to participate. A special thanks to Henry Rivera for chairing the committee yet again. I would also like to acknowledge Barbara Kreisman, who will serve as the Designated Federal Officer for the Committee; Carolyn Fleming Williams and Nicole McGinnis, who will also represent the Commission as Designated Deputy Federal Officers; and Tom Reed, the Chief of the Office of Communications Business Opportunities. I am also pleased that we are joined by the Reverend Jesse Jackson. Thank you for making the trip to be with us here today.

The last time the Diversity Committee met was December 2, 2010, more than a year ago. The delay in announcing the members and convening the re-chartered Committee should not be taken as an indication of this Committee's relevance and worth. I cannot overemphasize the vital importance of this Committee's work to the Commission and the public. I hope that next year, with your recommendations, the Commission will be able to promote policies that enhance the ability of all Americans, particularly women and minorities, to participate in the communications industry at all levels – as owners, managers, employees and in other roles.

In fact, the influence of this Committee extends well beyond this building. Not only do the suggestions made by this group affect the rules adopted by the Commission, but your recommendations have also prompted industry to take voluntary action. For instance, the American Association of Advertising Agencies (4A's) has developed and circulated to its members an advertising non-discrimination policy framework to end the practice of "no urban/no Hispanic" dictates. Thanks in part to the hard work of this Committee, which led to the Commission adopting the nondiscrimination rule for advertising sales contracts as part of the 2007 Diversity Order, the advertising industry – which we do not regulate – has also implemented processes to eradicate this despicable practice.

Just this morning, I was informed by Sherman Kizart that many of the CEOs of largest advertising agencies have signed pledges to implement the 4A's non-discrimination policy. These agencies control an estimated 7 out of every 10 dollars spent on advertising. This achievement is highly significant and I would like to thank Sherman for his tireless efforts. He has some additional ideas regarding the policy to end "no urban/no Hispanic" dictates and I hope this Committee will strongly consider them.

As you may know, many of the other diversity provisions adopted in the 2007 Diversity Order were struck down by the Third Circuit in the *Prometheus II* decision. The court's decision makes the work that you will undertake here especially significant and timely. I hope this Committee will actively engage on the myriad of proposals to enhance media diversity that have been considered in the past and that may be introduced in the future. All suggestions need to be fully evaluated. We can use your help and expertise in determining which policies will be the most effective and practicable.

Of course, any actions the Commission would take in this area *must* also be legally sustainable and satisfy the rigorous demands of the Equal Protection Clause, as interpreted under the Supreme Court's *Adarand* line of cases. While I am at it, I would like to reiterate that the diversity studies should be completed as soon as possible to assist us in supporting any new regulations and determining the best approaches to increasing diversity.

I have had the pleasure of meeting with several members of the Committee over my years at the Commission and I look forward to working with all of you all in the weeks and months to come. I will close by simply reiterating my heartfelt gratitude for your service to this country.