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50 Years of Service



1951-2001

A Golden Past A Bright Future

Transmitter

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The *Transmitter* is free to members and available to non-members by subscription for \$25 per year. KAB's mission is to provide professional lobbying and governmental representation, efficient communication and effective recruiting, education and training for Kansas broadcasters for the purpose of enhancing the success of Kansas broadcasters and helping them better serve the people of Kansas.

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HELP!

Please call KAB if you know who won the KU autographed basketball (door prize) at the Convention. We need to know where to send it.

* *

Happy Holidays!

Chairman's message

(Danny Thomas, KOAM TV)

(continued on Page 2)

EEO Rule unconstitutional

In a unanimous decision issued on January 16, 2001, the United States Court of Appeals for the District of Columbia Circuit held the Federal Communications Commission's EEO Rule unconstitutional. The appeal challenging the Rule was brought by the state broadcasters associations representing radio and television broadcasters in all 50 states, the District of Columbia and Puerto Rico. The Rule had been adopted by the FCC in February 2000 in response to the same Court's 1999 ruling in *Lutheran Church v. FCC*, holding the prior EEO Rule unconstitutional.

Kansas Association of Broadcasters joined the challenge to the EEO Rule in order to prevent Kansas radio and television stations from being forced to participate in a federally inspired, constitutionally impermissible employment program, and to protect stations from abuse of the Commission's process under the EEO Rule.

Kansas broadcasters and KAB have consistently supported voluntary efforts to reach out pro-actively to minorities and women for employment in the broadcasting industry. KAB's Broadcast Careers Program exemplifies the Association's commitment, on behalf of all Kansas radio and television stations, to the goal of non-discrimination and diversity in the workplace. The Program represents a thoughtful, multifaceted race and gender neutral program to encourage and enable more people of all races,

ages, ethnicities and genders to enter the broadcasting industry. It includes broadening the awareness of broadcasting as an interesting and rewarding career; ensuring that schools and colleges share that appreciation in terms of offering relevant courses and experiences; providing scholarships and paid internships to those who have a serious interest in pursuing a career in broadcasting; using the Internet to give those persons who are truly interested in pursuing a job in broadcasting instantaneous information on station job vacancies in Kansas and, through links to other broadcast associations, throughout the country; and, by continuing to educate stations on their responsibilities in this area.

- KAB has presented educational clinics at its conventions and at separate seminars focusing on broadcasters' nondiscrimination and equal employment opportunity responsibilities.
- KAB offers job seekers free access to its Web Site to peruse available jobs and encourages them to post resumes on the KAB Job Bank.
- KAB will sponsor two Career Fairs in 2001 to encourage and facilitate broadcast careers among all ethnic and gender groups.
- The KAB Education Task Force, comprised of broadcasters and broadcast educators meets regularly to build stronger ties between the industry and academia and to discuss recruiting issues and other issues of concern to both. Out of this task force a Kansas Broadcast Education Association has formed.
- KAB has underwritten the production of a national award-winning video, *Careers in Broadcasting*, distributed free of charge to Kansas high schools, colleges, vo-tech schools and stations who wish to use it at job

fairs and in other recruiting efforts.

- KAB sponsors an annual student broadcast awards competition to recognize the work of students and provide them feedback from professionals on their efforts.
- KAB continues to activate additional elements of the Broadcast Careers Program on an on-going basis.

In holding the Commission's Rule unconstitutional, the Court found that the Rule's supplemental recruitment "Option B" created pressure on stations to focus their recruiting efforts upon women and minorities in order to induce more applications from those groups, and thereby created a racial classification that violates the Equal Protection Clause of the Constitution. "The Commission has designed a rule under which non-minorities are less likely to receive notification of job openings solely because of their race; that the most qualified applicant from among those recruited will presumably get the job does not mean that people are being treated equally - that is, without regard to their race in the qualifying round," the Court held. The Court noted that under Option B, licensees reporting few or no women and minorities in their applicant pools would be subject to Commission investigation, and the threat of such investigations is a powerful one, almost guaranteed to induce the desired conduct. The Court said that the Rule's focus on the race and sex of applicants was evidence that the FCC, with life and death power over broadcast licensee's, was interested in results, not process, and was determined to get them.

The Court ruled that a government mandate for recruitment targeted at minorities was not narrowly tailored to further a compelling governmental interest. The sweeping requirement on all stations to recruit minorities without the FCC having found that a particular broadcaster had discriminated in the past or could be expected to do so =

in the future was the antithesis of a rule narrowly tailored to meet a real problem. Moreover, the use of racial data to measure results in Option B simply did not provide evidence of the effectiveness of a licensee's efforts to achieve=20

broad outreach, much less, was narrowly tailored to further the Commission's stated goal of nondiscrimination in the broadcast industry.

The Court held that because the offending portions of the rule could not be severed without destroying the whole structure of the rule and producing a rule strikingly different from any the Commission has promulgated, or even considered, the entire rule must be voided.

The parties have until January 30, 2001 to request a rehearing. If no such petitions are filed, the court's judgement will become final shortly thereafter. The parties may also appeal the decision to the United State Supreme Court. Accordingly, the Commission's EEO Rule can be expected to remain in effect until either the Court's judgement is final or the Commission announces the suspension of its EEO Rule prior to that time.

2001 KAB / Broadcast Calendar

- February 1, Deadline for Entries in KAB Student PSA Contest (alc/drug prevention-prom/grad)
- February 1-4, RAB 2001, Dallas
- February 10-13, Natl Religious Broadcasters Convention, Dallas
- Feb. 28-March 3, Country Radio Seminar
- March 2, Deadline for Entries in KAB Student Broadcast Awards
- March 10-13, NAB Leadership Conference, Washington DC
- March 22, Dave Gifford KAB Sales Seminar

- March 29 (TBC), KAB Board of Directors, Kansas City
- April 1, Deadline for KAB Kids Scholarships Applications
- April 10 (TBC), KAB Student Seminar/Career Fair , Wichita
- April 20-23, Broadcast Education Assn Convention, Las Vegas
- April 23-26, NAB, Las Vegas
- May 1, Deadline for KAB Broadcast Scholarship Applications
- April 1, Deadline for KAB Faculty and Student Internships (summer)
- May 11-12 (TBC), FREE DTV / Engineering Meeting (to attract potential recruits for broadcast engineers); AND SBE Tutorial: Designated Chief Operator/FCC Rules Review; SBE Broadcast Networking Certification Tutorial; and Broadcast Networking Certification Examination
- May 15-20 National Public Radio Conference, Seattle
- May 23 (TBC), KAB Broadcast Scholarship Interviews, Topeka
- June 4, KAB Sales Academy, Wichita
- June 5, KAB Board of Directors Meeting, Wichita
- July 2, Deadline for KAB Awards Entries
- *July 16-Aug 3, KAB Office Closed*
- August 9, Deadline for nominations: DSA, Hall of Fame, Slater, Humiston, Jewell & Tourism KAB Awards
- August 16, KAB Board of Directors Meeting, Pittsburg
- September 5-8, NAB Radio Show/BEDA, New Orleans
- September 12-15, RTNDA Internatl Conference, Nashville
- September 24 (TBC), KAB Production/Continuity Academy
- October 9-11, KAB 50th Anniversary Convention and Job Fair, Topeka Capitol Plaza Hotel
- November 1, Deadline for KAB Student PSA Contest (alc/drug prevention - holidays)
- November 1, Deadline for KAB Faculty and Student Paid

Internships (semester break / spring break)

- November 7, KAB Executive Committee Meeting, Topeka
- December 10, KAB Internet Academy
- December 11, KAB Board Meeting

EAS Monthly Tests / 2001

February 13	10:50 PM
March 13	1:50 PM
April 10	10:50 PM
May 8	1:50 PM
June 12	10:50 PM
July 10	1:50 PM
August 14	10:50 PM
September 11	1:50 PM
October 9	10:50 PM
November 13	1:50 PM
December 11	10:50 PM

The monthly EAS tests in Kansas are conducted on the second Tuesday of each month – odd months at about 1:50 pm; even months at about 10:50 pm. A copy of this schedule should be given to your traffic department and a copy to your operations staff for their information.

Chairman's message continued

Welcome new members

A warm KAB welcome to new student member – **John Njagi**, Washburn University.

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Washington update

At the FCC

News briefs

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