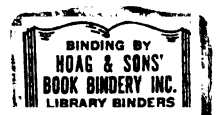


BLACKS IN BROADCASTING:  
MINORITY ACCESS TO  
PROGRAMMING AND EMPLOYMENT

Thesis for the Degree of M. A.  
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THESIS



## ABSTRACT

### BLACKS IN BROADCASTING: MINORITY ACCESS TO PROGRAMMING AND EMPLOYMENT

A critical historical survey of the beginnings of citizen involvement in broadcasting during the period March, 1968--January, 1971.

By

Pamela S. Esch

This study surveys the history of citizen involvement to open access for blacks to broadcast programming and employment. The study focuses on the three-year period from March, 1968 through January, 1971.

The development of citizen groups seeking to open avenues for black access to the broadcast media is traced. The organization and methods of these groups are analyzed. The precedent setting efforts made by these citizen groups to eliminate discriminatory broadcast practices are cited and their ramifications explained. Landmark actions resulting in the clarification of the obligations and responsibilities of broadcasters are also explained. Particular attention is given to the organization of the Racial Justice in Broadcasting project of the Office of Communication of the United Church of Christ and the project's work in challenging broadcast license renewals.





Pamela S. Esch

The reactions of the Federal Communications Commission and the broadcast industry to the active involvement of the citizen groups are discussed to provide a comprehensive analysis of the present status of the movement to end discriminatory broadcast practices. An assessment is made of the outlook for future citizen involvement in broadcasting.

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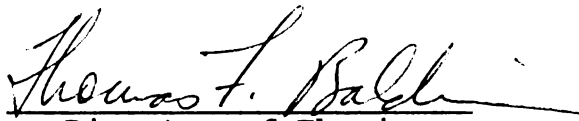
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## INTRODUCTION

Television and radio are the leading channels of communication today. Without access to these media, no minority group can hope to communicate its needs and desires to the larger society and serve its own interests.

The violent civil disorders of the 1960's forced broadcasters and the public to recognize the failure of the broadcast industry to bridge the communications gap between the black community and white society. In the report of the National Advisory Commission on Civil Disorders, a main concern expressed by the Commission was the media's failure to communicate the problems of the black ghetto and race relations prior to the violent outbreaks. The media had served to "increase black alienation" and "contributed to the black-white schism in America."<sup>1</sup> The greatest impact of commercial broadcasting had been to reflect already existing majority attitudes and to exalt white middle-class consumerism. Broadcasting raised the materialistic expectations of the audience, but did little to help the black man come closer to

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<sup>1</sup>National Advisory Commission on Civil Disorders, Report on Civil Disorders (The New York Times Company, Bantam Books, 1968), p. 383.



achievement of these goals.<sup>2</sup> Broadcasting effectively set the stage for black frustration on a massive scale.

Although the reasons for the broadcast industry's failure to portray blacks as members of the society may be understandable, broadcasters cannot be excused. The media are required by law to broadcast in "the public convenience, interest or necessity."<sup>3</sup> It has become difficult in our splintered society to separate public interest from the white majority interests.

The dilemma, in brief, is how to take the disparate interests of the majority and the minority and reveal to the former that the fulfillment of the latter's needs and desires is an essential precondition of the all encompassing public interest.<sup>4</sup>

Violent racial disturbances and the continuing tensions between the black urban ghetto and the golden ghetto of white suburbia demonstrate that the aspirations of over 20 million black Americans cannot be evaluated as a minority issue concerning only a small percentage of the population.

The absence of black faces and activities in the broadcast media has distorted the reality of the black community

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<sup>2</sup>Herbert I. Schiller, Mass Communications and American Empire (New York: Augustus M. Kelly, Publishers, 1969), p. 29.

<sup>3</sup>U. S. Congress, Communications Act of 1934, Title III, Section 307, June 19, 1934 (Amended December, 1964).

<sup>4</sup>Herbert I. Schiller, "The Mass Media and the Public Interest," Television Today: The End of Communication and the Death of Community (Washington, D.C.: Institute for Policy Studies, 1969), p. 62.

for the black man and white society. But the blame does not rest on the broadcasters alone. The public stood by, silently watching and listening, while racial tensions grew more explosive. Audiences did not accept their responsibility to demand the type of local broadcast service to which they are entitled.

Groups of citizens, both black and white, were aware of the crucial role that the broadcast media must play for blacks seeking to make their views known to the public. Many local stations, through programming and employment practices, were actively supporting racial discrimination, thereby, undermining attempts by citizens to meet with all segments of the community to discuss the issues. The difference between the ideal public interest oriented broadcast service described by the Federal Communications Commission (FCC) and the reality of the business of broadcasting was alarming.

Civic organizations and church groups realized the dangers inherent in a situation where the best channels of communication were closed to the black community. Most of these groups were disorganized and uneducated about their rights and responsibilities with respect to broadcast station operations. They were not familiar with the structure and procedures of the FCC, but they did know that the FCC, short of funds and staff, could not realistically be expected to guarantee that the public interest was being served in every

locality. They did not know what channels of action were open to them to combat discrimination at local broadcast outlets.

This study will explore the beginnings of citizen involvement in eliminating discriminatory broadcasting during the period March 1968 through January 1971. It is not intended as a complete history of all the incidents of broadcast discrimination or of citizen actions against each individual station. The precedent setting examples in combatting discrimination are cited and their ramifications explained. Landmark actions resulting in the clarification of the obligations and responsibilities of broadcasters are also included.

The study makes no attempt to separate the television and radio media in terms of standards of fairness and equal opportunity employment. However, television, by virtue of its immediate relevance to the black community, has been the target of most group action. As stated by Ed Dowling in The New Republic, "Only commercial TV, the great addiction of the ghetto, far more extensive than booze, or heroin, or cocaine, can reach the ghetto. . . ." <sup>5</sup>

Educational or non-commercial broadcasting will not be discussed. Lionel Monagus, National Association of

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<sup>5</sup>Ed Dowling, "Color Us Black," The New Republic, CLVIII, No. 23 (June 8, 1968), p. 43.

Educational Broadcasters Director of Minority Affairs, is currently compiling research on discriminatory practices in non-commercial broadcasting.<sup>6</sup>

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<sup>6</sup>Conversation with Robert Smith, Executive Director, Northern Virginia Educational Television Association, Annandale, Virginia, January, 1971.

## CHAPTER I

### THE FIRST STEPS

#### Background

It was not by chance that the clergy were among the first groups to recognize the problems of gaining access to local broadcast stations. The clergy were in a unique position because of their education, their direct contact with all segments of the public and their own experience in religious broadcasting.

Vocal dissatisfaction over broadcast practices began as early as 1938, when the Federal Council of Churches conducted a study on the influences of radio on American society. The Council concluded that the community should participate in local broadcasting by involving itself in licensing procedures. Their report stated:

The community itself should have ways of seeing that the broadcasting privilege is exercised by agencies that have the greatest proved capacity and willingness to serve the public interest, convenience and necessity.<sup>1</sup>

The churches did not believe that local broadcasters were giving the public the type of programming they needed or desired.

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<sup>1</sup>Office of Communication, United Church of Christ, In Defense of Fairness, New York, 1969, p. 2.

United church organizations formally supported freedom of access to the media, even when atheists were involved. In 1948, the Joint Religious Radio Committee, despite condemnation from some clergymen and public criticism, supported the FCC Scott Decision declaring that any minority group had the right to speak and be heard.<sup>2</sup>

In its July 19, 1946 decision, the FCC denied Robert Scott's petition to revoke the licenses of three radio stations for refusing to make broadcast time available to him. But the FCC did support Scott's right to be heard. The decision stated:

The criterion of public interest in the field of broadcasting clearly precludes a policy of making radio wholly unavailable as a medium for the expression of any view which falls within the scope of the constitutional guarantee of free speech.<sup>3</sup>

The Joint Religious Radio Committee and the FCC were in agreement with respect to the rights of minorities.

In 1957, the Office of Communication of the United Church of Christ (hereafter, referred to simply as the Office of Communication) issued a policy statement urging churchmen to aid in alerting broadcasters and the public to the disastrous results that could follow the misuse of radio and television stations.<sup>4</sup> In pursuit of this policy, the National Council

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<sup>2</sup>Ibid.

<sup>3</sup>Frank J. Kahn, ed., Documents of American Broadcasting, Scott Decision, 11 FCC 372 (New York: Appleton-Century-Crofts, 1968), p. 360.

<sup>4</sup>Office of Communication, In Defense of Fairness, loc. cit., p. 3.



of the Churches of Christ undertook a study of television and radio programming to determine where action was needed.

As a result of this study, the Council accepted their share of responsibility for programming they found to be manifest of a growing moral crisis in our society. The Council decided that it was not enough to merely express their concern over specific program practices. They must take a course of direct action to help individuals or groups who shared their concerns to improve the substance of broadcast programming.

Landmark: WLBT-TV

The Communications Act of 1934 predicated a three party participation in the American broadcasting system: the public as owners of the airwaves, the government and the licensee. The government's agent, the Federal Communications Commission, was created to enforce the Act. Certain limitations on the FCC's authority were cited in the Act to insure a system of checks and balances for the broadcast industry and the public.<sup>5</sup> Any FCC decision or order could be appealed to the United States Court of Appeals.

The FCC established procedures by which individuals or groups could register complaints concerning station broadcast practices. In 1963, when the Office of Communication began

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<sup>5</sup>Kahn, op. cit. (Communications Act of 1934, Titles III and IV), pp. 64-88.

to investigate the treatment of blacks by radio and television, few people were familiar with these procedures. No widespread attempts had been made, either by the FCC or the broadcast industry, to acquaint the average citizen with the workings of the FCC. Citizen participation in the WLBT-TV, Jackson, Mississippi, case set a precedent for future public involvement in FCC license renewal proceedings and served to awaken many people to their rights concerning broadcast service.

The office of Communication entered into the WLBT case at the request of local Jackson residents. Since 1955, members of the local NAACP had been filing complaints with the FCC against the racial discrimination evidenced by the station's programming policies.<sup>6</sup> The FCC's procedure had been to make these complaints known to WLBT and to request the station to comment on them. The station, owned by Lamar Life Broadcasting Company, denied the complaints and no further action was taken. The discriminatory practices continued.

In June, 1964, the Office of Communication and local residents filed a petition with the FCC to deny the renewal of WLBT's license on the grounds that the station had not served the public's needs and interests by consistently discriminating against the substantial black population of

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<sup>6</sup>FCC, Lamar Life Broadcasting Company for renewal of WLBT-TV license, FCC Reports, Vol. 14, 2nd Series (June 27, 1968), p. 434.

Jackson. (The black population was quoted as being from 45 to 50 per cent by different sources. In the FCC decision of June 27, 1968, "nearly 50 per cent" is used.)<sup>7</sup> The petition charged that WLBT was acting as a mouthpiece for segregationist views and refusing opposing views the opportunity to respond. The group claimed that the station's record over the preceding ten years proved that blacks had been systematically excluded from access to the station's facilities. The petition cited many examples of past programming as evidence.<sup>8</sup>

The FCC ordered the station to cease its discriminatory practices and granted a one-year renewal. The petitioners were not granted a hearing on the WLBT renewal application because the FCC ruled that the group did not have legal standing to intervene in licensing procedures. The FCC previously granted this standing only to those parties having technical or economic interests in a station.<sup>9</sup>

Based on the past record of WLBT's response to their complaints, the group was not satisfied that the station would heed the Commission's order. They were also eager to assert their right as a public body to be granted standing

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<sup>7</sup> Ibid., pp. 431-442.

<sup>8</sup> Richard Meyer, "Blacks and Broadcasting," Broadcasting and Bargaining: Labor Relations in Radio and Television, Allen Koenig, ed. (Madison: University of Wisconsin Press, 1970), p. 209.

<sup>9</sup> Office of Communication, United Church of Christ, How to Protect Citizen Rights in Radio and Television, New York, 1969, p. 11.

by the FCC. Therefore, they appealed the FCC action to the United States Court of Appeals in the District of Columbia requesting that they be granted legal standing in a hearing on the WLBT renewal application. In March, 1966, the Court ruled that the FCC had erred in its decision and ordered the Commission to hold a hearing on the WLBT renewal in which the Office of Communication and the citizens would legally take part.<sup>10</sup> The Court went further in this precedent setting decision. The decision assured that the public would have the right to be heard in any renewal proceeding. The decision stated:

Experience demonstrates consumers are generally among the best vindicators of the public interest. In order to safeguard the public interest in broadcasting, therefore, we hold that some audience participation must be allowed in license renewal proceedings.<sup>11</sup>

The general public now had a legal voice in determining whether a station had fulfilled its obligations to serve the public interest.

Public hearings were held in Jackson in May, 1967. Finally, in June, 1968, the FCC voted to grant WLBT a full three-year renewal.<sup>12</sup> The Commission majority concurred with the hearing examiner's opinion that the intervenor's

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<sup>10</sup>Meyer, op. cit., p. 210.

<sup>11</sup>Office of Communication, In Defense of Fairness, loc. cit., p. 3.

<sup>12</sup>FCC, op. cit. (WLBT-TV license renewal decision), pp. 431-442.

charges had not been proved and found the station's performance, "although not exemplary," was satisfactory.

However, Commissioners Cox and Johnson in their scathing dissenting statement accused the majority of ignoring the station's past record and manipulating procedures to favor the licensee. They called the decision "a serious piece of obstruction to participatory democracy and the government's efforts to establish confidence among Negroes and other citizens who have been victimized by discrimination."<sup>13</sup> They were appalled by the majority's selection of criteria for determining the quality of WLBT's performance and their negative attitudes towards the intervenors. They believed the decision would cause an even greater breakdown of communication between the public and broadcasters and would shatter any public faith in the FCC's role in eliminating discrimination. The dissenting Commissioners expressed their opinion in the following:

The only way in which members of the public can prevent renewal of an unworthy station's license is to steal the document from the wall of the station's studios in the dead of night, or hope that the courts will do more than merely remand cases to the FCC with instructions that may be ignored.<sup>14</sup>

The Office of Communication hoped that the courts would do more. Their attorneys had registered over 100 objections

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<sup>13</sup>"FCC Gives WLBT-TV Full Renewal," Broadcasting, LXXV, No. 1 (July 1, 1968), p. 9.

<sup>14</sup>Robert L. Shayon, "FCC on the Carpet," Saturday Review, Vol. LI (August 24, 1968), pp. 54-55.

to the hearing examiner's decision and they were not altogether surprised by the FCC decision. The Court of Appeals had maintained its jurisdiction over the case, leaving the door open for another appeal. The Office of Communication placed their case before the Court again.

In June, 1969, the Court of Appeals reversed the FCC decision and ordered that the WLBT-TV license be revoked and new applications considered.<sup>15</sup> The decision concurred with the Cox-Johnson statement that the Commission had treated the intervenors as opponents rather than allies seeking to guard the public interest. The Court believed that the burden of proof that a renewal would be in the public interest should rest on the licensee, not on the public. If a broadcaster is granted the use of a valuable part of the public domain, he must accept that his license carries certain enforceable public obligations.

Public attention afforded the WLBT case prompted many pleas from individuals and groups for aid to counter discriminatory station practices in their respective communities. The Office of Communication responded to this need for an organization to aid citizen groups on March 7, 1968, by launching a two-year program for racial justice in broadcasting. This program will be discussed in detail in Chapter II.

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<sup>15</sup>U. S. Court of Appeals, Office of Communication et al. vs FCC Case No. 19,409, June 20, 1969.



### Equal Employment

An important side effect of the WLBT case was the action initiated by the Office of Communication to eliminate discriminatory hiring practices at broadcast stations. The Civil Rights Act of 1964, Section VII, had forced the federal government into taking action against employment discrimination.<sup>16</sup> The law required businesses holding government contracts to furnish proof of fair employment practices. The FCC had no such requirement for licensees, so the law had no great effect on broadcasters.

The WLBT case litigations made the Office of Communication acutely aware of the problems inherent in discriminatory hiring practices in broadcasting. Although station programming provided the most obvious available gauge for viewers to determine discriminatory practices aimed at the black community, the Office of Communication found that a broadcaster's ability to communicate with the black community was limited by his hesitance to employ blacks or by his refusal to place them in positions where programming decisions are made. How could a broadcaster program to meet the needs and interests of a substantial minority population if he had no employees with direct knowledge and experience of the problems of the minority? How could a licensee meet his obligations as outlined by the 1960 FCC Policy Statement on

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<sup>16</sup>Art Peters, "What the Negro Wants from TV," Television: Selections from TV Guide Magazine, Barry G. Cole, ed. The Free Press (New York: Macmillan Co., 1970), pp. 262-263.

Program Service if the black community had no representation in the station's programming policies?<sup>17</sup> And most important, why should a government agency (the FCC) that regularly granted valuable licenses to television and radio stations allow violations of equal employment regulations to continue? Were not these licenses similar to government contracts, requiring similar attention?

In April, 1967, the Office of Communication and the church's Commission for Racial Justice filed a petition with the FCC asking them to issue a rule banning employment discrimination by broadcast stations.<sup>18</sup> The petition also requested that stations be instructed to conduct positive programs to recruit blacks and other minority employees and to report annually on their policies and practices.

In July, 1968, the FCC recognized the parallel between the licensing procedure and the awarding of government contracts in its decision on the petition. The FCC stated that a station practicing discrimination in employment was not functioning in the public interest and announced proposed rulemaking to insure fair employment standards and the development of positive recruitment programs of minority employees. These rules were adopted and became effective in

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<sup>17</sup>Office of Communication, How to Protect Citizen Rights in Television and Radio, loc. cit., Appendix A (FCC Statement of Program Service, July 29, 1960), p. 14.

<sup>18</sup>Office of Communication, How to Protect Citizen Rights in Television and Radio, loc. cit., p. 8.

July, 1969.<sup>19</sup> A copy of the 1969 rules is provided in Appendix A.

Although these rules made it clear that a broadcaster who denied equal opportunities in employment could be subject to careful investigation when his station applied for renewal, they did not require the broadcaster to report annually on his compliance. The FCC acknowledged the drawbacks of relying solely on individual complaints to protect the public interest in employment practices. In a separate action, the FCC proposed a set of rules, whereby, stations would report each year on their policies and practices. In May, 1970, the FCC adopted this rule requiring broadcasters to file an annual statistical report on FCC Form 395, with the first report due before May 31, 1971.<sup>20</sup> In addition to Form 395, the FCC revised sections of the appropriate applications for initial licenses, renewals and transfers calling for exhibits delineating specific equal opportunity employment programs.

Form 395 utilizes the same job categories listed on the Equal Employment Opportunities Commission Report Form #1. These categories cover general job families, but do not list specific positions. The Office of Communication did not believe these classifications were ideal since the EEOC categories did not meet the special needs for jobs available

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<sup>19</sup>Peters, op. cit. (Notes on Chapter), p. 282.

<sup>20</sup>"Non-discrimination--New FCC Rules," Broadcast Management and Engineering, Vol. VI, No. 12 (December, 1970), pp. 10, 36.

in commercial broadcasting. In July, 1970, the Office of Communication resubmitted its original petition, calling for job categories tailored to broadcasting. In September, 1970, the FCC responded. The petition was denied because the Commissioners believed the suggestions from the Office of Communication did not warrant a complete change of the report form. However, the Commission did revise certain categories to allow for broadcast specialties, i.e., "on-air-talent".<sup>21</sup> See Appendix B for a copy of the revised FCC Form 395 and instructions.

#### Fairness Doctrine

The most frequent citizen complaints about broadcasting concerned stations where it was alleged only one side of controversial issues were aired and blacks were denied opportunities to present their views. Many people had sent their complaints to the FCC, only to be confused and discouraged when they received form-letter replies citing the provisions of the Communications Act (Section 326) which forbid censorship by the FCC. The complainants did not understand the provisions of the Fairness Doctrine and were unsure of its function, however, they were not alone in their uncertainty.

The Fairness Doctrine was issued by the FCC in 1949 to clarify the provisions of the Communications Act regarding

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<sup>21</sup>FCC, Reprint of Memorandum Opinion and Order, Docket No. 18244 RM-1144, September 28, 1970.

the broadcasting of controversial issues and to explain the Commission's 1941, "Mayflower Decision".<sup>22</sup> The Doctrine stipulates that a broadcaster has the responsibility to provide coverage of all significant viewpoints on any controversial issue. He cannot use a station solely to advance his own views. A "personal attack" provision further requires a broadcaster to notify any individual or group whose character has been attacked in a broadcast and to provide them with adequate air-time for reply.<sup>23</sup> (This provision should not be confused with Section 315, the equal-time provision, of the Communications Act.) These stipulations do not, however, prohibit a broadcaster from editorializing, so long as he provides reasonable opportunities for opposing views to be presented.

The Commission's effort to provide this basis for ethical broadcasting of controversy has been a continuing matter of contention between broadcasters and the FCC. There is no blanket definition to cover all aspects of "fairness", therefore, the Doctrine is an abstract principle. Broadcasters have had to look to the interpretations evidenced in various FCC decisions for guidance in the practical application of the Fairness Doctrine.

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<sup>22</sup>Edith Efron, "Is Speech on Television Really Free?" Television: Selections from TV Guide Magazine, Barry G. Cole, ed., The Free Press (New York, 1970), p. 304.

<sup>23</sup>Kahn, op. cit., pp. 361-376.

In 1968, the Fairness Doctrine was strongly supported by the Court of Appeals for the District of Columbia in its decision to uphold the FCC ruling requiring station WGCB, Red Lion, Pennsylvania, to grant time for a "personal attack" reply.<sup>24</sup> This decision renewed broadcasters' fears that strict adherence to the Fairness Doctrine would result in ineffective coverage of controversial issues through self-censorship by stations.

The FCC guidelines under the Fairness Doctrine came under attack again when CBS, NBC and the Radio-Television News Directors Association filed suit against the FCC in the Seventh Circuit Court of Appeals in Chicago in 1968.<sup>25</sup> The broadcasters claimed that the Fairness Doctrine was unconstitutional in that it violated their right of free speech under the First Amendment.

The Office of Communication joined the FCC in its position maintaining that the Fairness Doctrine was necessary to protect the public's right of access to broadcast facilities. The staff prepared an "amicus curiae" brief to the Court holding that the public's First Amendment right of free speech, exercised over the publicly-owned broadcast frequencies, should take precedence over the interests of "the possessor of a scarce and highly lucrative broadcasting franchise."<sup>26</sup>

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<sup>24</sup>Office of Communication, In Defense of Fairness, loc. cit., p. 13.

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.



The Court of Appeals decided in favor of the broadcasters, but the United States Supreme Court, having noted the similarities in the Red Lion and Chicago cases, decided to review both cases.<sup>27</sup> The Office of Communication prepared another "amicus" brief covering both cases and submitted it to the Supreme Court. The Solicitor General considered this brief to be an excellent statement of the government's position in the case and suggested that it could be substituted for the FCC brief.<sup>28</sup>

On June 9, 1969, the Supreme Court unanimously voted to uphold the constitutionality of the Fairness Doctrine. The decision stated, in part:

It is the right of the viewers and listeners not the right of the broadcasters which is paramount. . . . In view of the prevalence of scarcity of broadcast frequencies, the Government's role in allocating those frequencies, and the legitimate claims of those unable without governmental assistance to gain access to those frequencies for expression of their views, we hold the regulations and ruling at issue here are both authorized by statute and constitutional. The judgment of the Court of Appeals in Red Lion is affirmed and that in RTNDA reversed and the causes remanded for proceedings consistent with the opinion.<sup>29</sup>

Thus, the provisions of the Fairness Doctrine remained a vital force to aid in the protection of citizen rights in broadcast service.

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<sup>27</sup>William Small, To Kill a Messenger, Communication Arts Books, (New York: Hastings House, 1970), pp. 268-269.

<sup>28</sup>Office of Communications, In Defense of Fairness, loc. cit., p. 13.

<sup>29</sup>U. S. Supreme Court, Reprint of Opinion by Justice Byron White in Red Lion Broadcasting Co. et al. vs FCC et al.; United States et al. vs Radio Television News Directors Association et al., June 9, 1969.

## CHAPTER II

### RACIAL JUSTICE IN BROADCASTING PROJECT

#### Statement of Policy

The Office of Communication project to combat racial discrimination by broadcast licensees through programming and employment practices was created March 7, 1968, with the aid of an initial \$160,000 grant from the Ford Foundation to carry the operations for a two-year period.<sup>1</sup> Since then the Ford Foundation has made an additional \$100,000 grant to carry the project through Spring, 1972.<sup>2</sup> Reverend Dr. Everett C. Parker, director of the Office of Communication, became the head of the five-member project staff.

According to Dr. Parker, their purpose was to "make sure that Negroes will no longer be discriminated against or be humiliated on the public airwaves."<sup>3</sup> To avoid any misinterpretation of the goals of the project, the Office of

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<sup>1</sup>Office of Communication, United Church of Christ, Racial Justice in Broadcasting, New York, 1970, p. 1.

<sup>2</sup>"Ford Funds for Black Radio-TV Interests," Broadcasting, Vol. LXXI, No. 1 (July 6, 1970), p. 23.

<sup>3</sup>"UCC Agency Protests Ruling on TV Station," Christian Century, Vol. LXXXV (January 24, 1968), p. 126.

Communication, at the outset, issued a statement of policy setting criteria for their involvement with citizen groups. The project would work to combat two widespread discriminatory practices: (1) the non-employment of blacks, and (2) the failure of stations to provide black access to their facilities and to provide programming to satisfy the needs and tastes of the black community. In no case would the project approach a community and suggest that action be taken against a station. The project was not created to serve as an instigator in broadcaster-community disputes. The project would provide aid to any responsible citizen group seeking a balance and fairness in local broadcasting, but would not participate in any activity that sought to deny freedom of speech to any person or group.<sup>4</sup>

The Office of Communication recognized that many blacks, unable to attract the media's attention to their problems, had been forced to challenge the status quo through illegal, sometimes violent, action in the streets. The Racial Justice in Broadcasting project was their attempt to substitute reasonable legal alternatives for these people.

The project was flooded with requests for help. One of its first activities was to commission a survey to determine the scope and pattern of discriminatory broadcasting to enable the project staff to select the areas most in need of

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<sup>4</sup>Cf., Office of Communication, Racial Justice in Broadcasting, loc. cit., pp. 4-5; In Defense of Fairness, loc. cit., pp. 4-5.

assistance. On the basis of this survey, the Office of Communication concentrated its attention on requests from groups in the West and South, but also provided counseling for communities in the East and the Mid-West. The project initially planned programs in 11 Southern cities.<sup>5</sup>

### Methods

The project staff was sensitive to its position as an "outside" force entering a community. Although the project's function was primarily to work with blacks on their particular problems, the staff made conscious efforts to get blacks and whites to work together. The project required members of each city's group to be broadly representative of the black community, and where possible, of the total community. If the group represented only one segment, for example, one particular church organization, they were advised to make additional contacts.

Further, the project staff maintained that any group seeking to evaluate station performance must first be familiar with the obligations and limitations of the responsibilities of the broadcast licensee. The staff found that most of the literature discussing American broadcasting was too technical or too sophisticated to reach the average citizen. To help in educating the public, the Office of Communication published two instructional pamphlets directed at the

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<sup>5</sup>Office of Communication, Racial Justice in Broadcasting, loc. cit., p. 4.

consumer. The first, How to Protect Citizen Rights in Television and Radio, explained the FCC regulation procedures and the legal obligations of the licensee. A second booklet, A Guide to Understanding Broadcast License Applications, was written to help the public interpret the information required in license renewal applications. These documents, distributed free on request to the Office of Communication, have been the major source of information for citizen groups requesting aid.

When a group became familiar with these procedures, the project staff set up a period for formal observation of the programming of stations in question.] The Office of Communication had learned in the WLBT case litigations that definite formal procedures were necessary for the data to be accepted as legal evidence should the citizens desire to pursue legal action. Group members were given specific viewing assignments and provided with instructions for observing and report sheets. See Appendix C for a sample of this Observation Kit. In some instances, tape recorders were made available to record programs for groups discussion and evaluation. The group then collected and analyzed their findings and prepared a report on station practices needing changes and improvements.

As the members of the project staff gained experience working with citizen groups, the research methods were revised and improved. Descriptive, objective information reported on observation forms was analyzed with the aid of a computer

at the main office in New York. Subjective observations were carefully scrutinized by the entire group. Efforts to have observers work in racially mixed teams of three or more were initiated to insure that perception reactions to program content were not racially biased.<sup>6</sup>

The group was then directed to compare its findings with the station's promises stated in data furnished to the FCC on its license renewal application. If the group decided to act on the basis of this analysis, the project staff helped them plan their approach to the station management. The staff believed that friendly consultation with the station was the most desirable course of action. They made it clear to the groups that meetings with the station's management to discuss the problems and seek viable solutions were the best means for accomplishing their goals. The costly and complicated process of filing charges with the FCC should be considered only if all attempts at negotiation failed. The group would be solely responsible for any petition filed with the FCC, although the project would make legal counsel available if possible.

The Office of Communication attempted to keep the project flexible to meet the needs of each individual community. Not all of the groups in the original 11 cities were ready to commit themselves to the extensive work necessary to present their suggestions for constructive changes

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<sup>6</sup>Ibid., p. 6.

to the stations. As exigent problems arose in other cities, the Office of Communication did not have the funds or desire to work in a community where the citizens were not willing to complete the project program. Thus, if community participation dwindled or charges were unfounded, the program was dropped in favor of a new area where the prospects for success seemed better. Most of the project's work gravitated toward the schedule of license renewals set by the FCC. The staff and local citizens found stations more likely to cooperate in arranging meetings at renewal time. No broadcaster was anxious to encounter opposition when his renewal application came before the FCC.

The structure of the renewal application itself is conducive to community action. Each station is required to conduct a survey to ascertain community needs and interests and to report its proposals for meeting these needs during the next licensing period. The station must consult with community leaders to determine what issues are of importance to the community. How could a station ignore a unified broadly representative group that has reviewed the station's performance, found it lacking and has provided suggestions for improvement?

The period immediately prior to a station's request for license renewal proved to be the most productive time to establish a relationship between a station and the community.

KTAL-TV: Another Precedent

The first concrete evidence that well-organized representative citizen groups could obtain meaningful changes through negotiations with local broadcasters was the agreement reached between several community groups and station KTAL-TV, Texarkana, Texas. Texarkana was not one of the original cities selected for the Office of Communication project, but urgent pleas from area church leaders brought the aid of the project staff.

The entire community was concerned over the move of KTAL's main studios and offices from Texarkana to Shreveport, Louisiana, some 70 miles away.<sup>7</sup> Residents believed the station's move to a larger market area would result in a lack of effort by the station to provide local Texarkana service. The black community of Texarkana complained that the station had consistently ignored their needs and interests and that the move would certainly complicate their problems of access to the station.

The project staff urged the various groups to ally themselves to evaluate the situation and propose goals for negotiating with the station. A coalition of 12 black organizations with a white minority representation was formed. The groups monitored KTAL and made an analysis of its program service. The Texarkana Junior Chamber of Commerce, a predominately white conservative organization,

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<sup>7</sup>Ibid., p. 8.



had attempted to meet with the KTAL management for discussions and failed. After several attempts at negotiation, the coalition determined that the station would not respond to any community organization, black or white.<sup>8</sup>

Both groups followed a course of legal action. The Jaycees and the coalition filed separate petitions with the FCC to deny the renewal of the station's license. The coalition stated three specific charges concerning the black community:

1. The failure of KTAL to carry programs of special interest to blacks.
2. The failure of KTAL to consult with black leaders in their ascertainment of community needs and interests survey.
3. The exclusion of blacks from newscasts and programs featuring local residents, thereby, failing to provide adequate coverage of local news and public affairs.<sup>9</sup>

The management of KTAL denied these charges. They claimed their program service included black viewers and that their tolerance on local racial issues had often offended their more conservative viewers. In response to the specific charge of excluding blacks from programming and news, KTAL argued that news is never directed to any one segment of the community and that to allege that KTAL did not program news of interest to blacks was, in effect, to charge that KTAL ignored its entire audience. It would seem

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<sup>8</sup>Ibid.

<sup>9</sup>"Accord is Reached on KTAL-TV Renewal," Broadcasting, Vol. LXXVI, No. 24 (June 16, 1969), p. 42.

that by responding only to the coalition charges, KTAL ignored the complaints of white citizens (the Jaycees) who also believed that local coverage was inadequate.<sup>10</sup>

KTAL made the point that the station did not keep a record of the race of participants on local programs. By stating this policy, KTAL assumed that it would logically follow that racial considerations were not involved in the selection of guests for local programs. However, the coalition believed this conclusion could not be supported since their monitoring showed there had been almost no black guests on KTAL local programs.<sup>11</sup>

Despite KTAL's continued denials, the coalition stood firm in its demands. The Jaycees dropped their petition, but the coalition incorporated the Jaycee objectives for a toll-free telephone line to the Shreveport studios and color facilities for the Texarkana studios into their negotiations. After six months, KTAL agreed to meet with the coalition in an intensive negotiation session. Agreement was reached in June, 1969.<sup>12</sup> Both parties signed a legal agreement, whereby, the coalition would drop its petition upon the addition of a 13-point policy statement from KTAL as an amendment to its renewal application. Sections of the policy statement called

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<sup>10</sup>"KTAL Says Service Includes Black Viewers," Broadcasting, Vol. LXXVI, No. 9 (March 3, 1969), p. 56.

<sup>11</sup>Office of Communication, Racial Justice in Broadcasting, loc. cit., p. 8.

<sup>12</sup>Ibid., p. 9.

for hiring of blacks and on-the-job training, greater coverage of controversial issues including blacks, the inclusion of blacks in regular local programming, and monthly meetings with community leaders to discuss current issues. A copy of the complete text of this policy statement is furnished in Appendix D. The policy statement was read over the air and published in the local Texarkana newspapers.

The coalition had succeeded in obtaining a legally binding agreement, that if violated would provide grounds for the revocation of KTAL's license. When the renewal application came before the FCC, KTAL was granted a full three-year renewal. In a letter to the station, the FCC said its decision was based on the KTAL-coalition agreement. The FCC, in a precedent setting policy statement, endorsed the negotiations and agreement as a superior method for a station to fulfill its obligations to confer with the community to ascertain its needs and interests. The letter stated, in part:

We believe that this Commission should encourage licensees to meet with the community oriented groups to settle complaints of local broadcast service. Such cooperation at the community level should prove to be more effective in improving local service than would be the imposition of strict guidelines by the Commission.<sup>13</sup>

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<sup>13</sup>"Passing Marks Are Given KTAL-TV," Broadcasting, Vol. LXXVII, No. 5 (August 4, 1969), p. 76; see also, Office of Communication, Racial Justice in Broadcasting, loc. cit., p. 8.

### Step-up in Actions

The success of the KTAL agreement renewed the enthusiasm of many project groups who had been facing indifference or strong opposition in their struggles for negotiations. Most of the groups had hoped that productive relationships could be established with broadcasters without the threat of legal action, but they realized that such a threat made a strong bargaining point. This alternative provided strong incentive for station cooperation. Activities accelerated and renewal challenges were instigated in several areas.

### Atlanta

Work on the Atlanta, Georgia, project had begun in April, 1968, but little progress was made until early 1970. The citizen groups in the city remained autonomous and broadcasters were unimpressed by the attempts of these separate organizations, competing with each other to secure agreements with the stations. When the black community realized that the city's 28 radio and television stations were scheduled for renewal in the near future, 20 of the black organizations united to form the Community Coalition on Broadcasting.<sup>14</sup> The goal of the Coalition was to negotiate a KTAL-type agreement with the local stations.

The Office of Communication staff brought the leaders of the Coalition to Washington, D. C., to consult with

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<sup>14</sup>Office of Communication, Racial Justice in Broadcasting, loc. cit., p. 10.

communications attorneys and to familiarize themselves with legal procedures. While in Washington, the Atlanta group enlisted the aid of Albert Kramer, executive director of the recently organized Citizens Communication Center. (The CCC will be discussed in Chapter III.)

As the March 1, 1970, deadline for filing actions on renewal applications approached, the Coalition realized they did not have enough time to complete their negotiations. With Kramer's help, the Coalition petitioned the FCC to reserve action on the renewal applications until their negotiations were completed. The broadcasters indicated their willingness to discuss the issues and most of them were anxious to avoid a blanket challenge covering all the Atlanta licenses.<sup>15</sup>

In another unprecedented action, the FCC granted the petitioners a 30-day extension of the renewal period. In the decision, the Commission stated:

In view of the representation that you . . . and the Atlanta licensees are currently engaged in good faith negotiations regarding the tastes, needs and desires of the Atlanta Black Community, the Commission has determined that a grant of your request would be in the public interest. You are therefore given until March 30, 1970 within which to file any formal pleadings related to the pending applications for renewal of Atlanta broadcast stations.<sup>16</sup>

The extension period proved fruitful. The Coalition reached agreements with 22 stations, including the three

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

network television affiliates. The agreements varied in scope, but all of them called for increased hiring of blacks and more comprehensive programming on controversial issues. Kramer remained in constant contact with the Coalition during the extension period to provide legal advice should it become necessary. At the end of the 30 days, petitions to deny renewal were filed against only four of the stations (WJRS-TV, WGUH(AM), WTHJ(AM), WAVO(AM)).<sup>17</sup>

The settlements reached demonstrated that broadcasters and representatives of unified black community interests could make mutually satisfactory changes that guaranteed specific benefits to blacks. Although many of the Atlanta broadcasters initially interpreted the extension period as a threat to their security as licensees, the time granted had prevented the Coalition from being forced into filing a blanket challenge. Each station had the opportunity to consider the suggestions of the Coalition and to avoid becoming involved in a complex legal battle.<sup>18</sup>

### Memphis

The Office of Communication had welcomed the help of other organizations from the start of its involvement in citizen-broadcaster affairs. The NAACP had been closely

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<sup>17</sup>Ibid., p. 11.

<sup>18</sup>"Plan Renewal Objections," Broadcasting, Vol. LXXVIII, No. 13 (March 30, 1970), p. 10.

associated with several of their projects beginning with the WLBT case. In February, 1970, the NAACP Legal Defense and Education Fund announced its intention to pool its staff with the Office of Communication project staff to work on problems of black access to local broadcasting.<sup>19</sup>

In July, 1970, the staff joined Memphis blacks in their efforts to provide a better balance in their local broadcast service.<sup>20</sup> The Memphis project demonstrates both the technicality of the rules governing the renewal process and the broadcaster's ability to fight against charges he believes are unfounded.

The FCC denied a petition from the Memphis Coalition for Better Broadcasting asking for an extension of the renewal period because the group had made no serious attempts at negotiations prior to late June.<sup>21</sup> In effect, the FCC was willing to aid citizen groups by granting extra time if they felt there had been a continuing period of efforts to negotiate with stations. But the Commission would not allow citizens to use the extension precedent as a "last ditch" threat to insure quick agreements with licensees. If the broadcasters were willing to stand on their past records, they were protected from "11th hour" harassment.

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<sup>19</sup>Office of Communication, Racial Justice in Broadcasting, loc. cit., p. 12.

<sup>20</sup>"Protest Time Extended," Broadcasting, Vol. LXXIX, No. 1 (July 6, 1970), p. 10.

<sup>21</sup>"Memphis Stations Are Challenged--Anyway," Broadcasting, Vol. LXXIX, No. 2 (July 13, 1970), p. 34.

The citizens, however, still had legal recourse. The day before the July 1st deadline for filing, the Coalition drew up petitions to deny renewal of the licenses of stations WREC-TV and WHBQ-TV. The petitions charged the stations with failing to serve the needs and interests of the community by ignoring Memphis blacks (39% of the population) in their programming and by practicing discriminatory hiring.<sup>22</sup>

The Coalition's petition against WHBQ-TV was dropped at the conclusion of a negotiated agreement calling for monthly meetings with black leaders and the systematic inclusion of blacks into local programming.<sup>23</sup> Another agreement was reached with WREC-TV resulting in an 18-point policy statement in which the station agreed to accelerate steps to recruit and train minority employees at all levels of responsibility.<sup>24</sup>

The Coalition did not file a petition against a third station, WMC-TV, at the same time because they determined that their negotiations were going well and they believed that WMC's renewal application had been filed late, thereby, lengthening the period for them to take action.

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<sup>22</sup> Ibid.

<sup>23</sup> "Memphis: What Color is Fairness," Broadcasting, Vol. LXXIX, No. 3 (July 20, 1970), pp. 40-41.

<sup>24</sup> "Second Memphis TV-Group Settles with Blacks," Broadcasting, Vol. LXXIX, No. 7 (August 17, 1970), p. 38.



Allen Black, regional director of the NAACP Legal Defense and Education Fund and spokesman for the Coalition, was distressed by WMC's position. The station seemed willing to accept their suggestions, but would not incorporate them into its renewal application. The Coalition wanted the assurance of a legally binding agreement, not oral promises.

The vice-president and general manager of WMC-TV, Max E. Greiner, Jr., reflected the attitude of increasing numbers of broadcasters in his response to the Coalition's demands and their threat of alternative legal action. Greiner said he was willing to negotiate on all the issues, "but we'll get along better without threats."<sup>25</sup> The Coalition decided to take action and filed a belated petition to deny renewal of the WMC license with the FCC.

The FCC already had hundreds of letters from Memphis residents pertaining to WMC-TV performance. These letters were the result of a controversy that began the previous winter when Greiner had publicly denounced the Ku Klux Klan and the Memphis White Citizens Council. Most of the letters were favorable to the renewal of the station's license, but a white "backlash" was beginning to be voiced. Some of the letters claimed WMC was pro-black to the exclusion of white conservatism.<sup>26</sup>

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<sup>25</sup>"Memphis Stations Challenged--Anyway," Broadcasting, Vol. LXXIX, No. 2 (July 13, 1970), p. 34.

<sup>26</sup>"Memphis: What Color is Fairness," Broadcasting, Vol. LXXIX, No. 3 (July 20, 1970), p. 40.

The renewal application for WMC-TV is still pending with the FCC.<sup>27</sup> The renewal application for WMC-TV was submitted prior to the deadline, therefore, the Coalition's late petition may possibly be regarded as an informal protest. The management of WMC believes that its past record of minority programming and employment is sufficient evidence to prove that the station has served the public interest. WMC-TV has remained firm in its refusal "to enter any agreement to modify, share or delegate its responsibilities as a broadcast licensee or to submit to a program of forced hiring."<sup>28</sup>

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<sup>27</sup>Conversation with Robert G. Weston, Office of FCC Commissioner Robert E. Lee, January, 1971.

<sup>28</sup>"WMC-TV Counters Black Charges," Broadcasting, Vol. LXXIX, No. 5 (August 3, 1970), p. 36.

## CHAPTER III

### OTHER ORGANIZATIONS

As public awareness of the possibilities of improving local broadcast service grew, many communities formed special committees and coalitions to study local broadcasting problems. Until 1969, the Office of Communication project was the only nationally operative organization geared specifically to furnish aid to these groups. The Office of Communication was limited by other concerns, however, and could not devote its entire staff and time to the Racial Justice in Broadcasting project. There was a desperate need for other nationally-oriented professional organizations equipped to help local citizen groups.

As previously stated in Chapter II, the NAACP joined forces with the Office of Communication enabling them to reach more groups, but the volume of work could not be handled by them alone. Several other organizations were founded to deal with citizen broadcast access and to provide legal aid to citizen groups.

#### Citizens Communication Center

In mid-August, 1969, the Citizens Communication Center (CCC) was organized in Washington, D. C., with the aid of

grants from Gordon Sherman, president of the Midas International Corporation, and several others.<sup>1</sup> The CCC was established to fill the need for a full-time professional resource outlet for local and national citizen groups concerned with the caliber of broadcast service. In its "Statement of Purpose," the goals of the Center were listed as follows:

1. It will prepare and distribute basic factual manuals on citizen's rights to access to the media and in FCC procedures.
2. It will provide complaintants with rudimentary legal and strategic advice and counsel in the initial stages of their proceedings.
3. It will refer complaintants to lawyers, other professional services and interested local groups or national organizations.
4. It will undertake to provide research and perform other services on behalf of citizen groups at the FCC or in basic sources of published information.
5. It will offer coordinating functions such as referrals, conferences and training institutes, and newsletters.
6. It will serve as an information center to provide local groups with information regarding legislative, judicial and administrative proceedings that may affect broadcasting in general and specific areas in particular.<sup>2</sup>

The CCC has worked as a non-profit organization with Albert Kramer, the executive director, as its only full-time employee. Despite their tremendous work load, Kramer and

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<sup>1</sup>Citizens Communication Center, A Progress Report, March 15, 1970, Washington, D. C., p. 9.

<sup>2</sup>Citizens Communication Center, "Statement of Purpose," 1969, Washington, D. C., p. 3.

his staff, consisting of part-time secretaries, lawyer and student volunteers, have made considerable progress in achieving these goals.

Although the scope of the CCC's activities includes all citizens' complaints, the Center has been especially active in protecting the rights of black groups in broadcasting by serving as a supportive legal facility for these groups in their relations with the FCC. Kramer's legal assistance to the Atlanta Coalition was instrumental in gaining the extension period precedent. Kramer has also worked closely with the Southern Christian Leadership Conference in its efforts to prevent personal attacks against blacks on Southern stations. At present the CCC is involved in an action to deny the renewal of the license of WMAL-TV, Washington, D. C., on the grounds of its failure to meet the needs of the black community.<sup>3</sup>

In addition to its activities in procedural legal aid, the CCC has researched and prepared a detailed handbook for citizens on their rights and strategies for working with broadcasters and the FCC. The handbook is due for publication in April, 1971.<sup>4</sup> The CCC has also worked in close association with another Washington-based organization, Black Efforts for Soul in Television, to instigate actions

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<sup>3</sup>Citizens Communication Center, A Progress Report, loc. cit., pp. 4-8.

<sup>4</sup>Conversation with Bob Stein, staff member of CCC, February, 1971.

with the FCC to provide greater access to the Commission itself. These actions will be discussed in detail in Chapter IV.

### Black Efforts for Soul in Television

The (in)formation of Black Efforts for Soul in Television (BEST) in 1969, came as a result of Washington area black residents' increasing discontent with local television programming practices. William Wright, director of Unity House (a Unitarian Church center for community improvements), and several other individuals organized BEST to assert a positive force for the articulation of black needs in television. The organization had three main objectives:

1. To educate the black public of their rights pertaining to television service.
2. To offer help to black citizens in arranging negotiations with stations.
3. To help blacks file petitions to deny license renewals or "strike" applications if blacks wanted to acquire a license themselves.<sup>5</sup>

In one of its first actions, BEST, along with the CCC, the Black United Front and several others, filed a petition to deny the license renewal of station WMAL-TV for its failure to serve the public interest by discriminating against the city's 70 per cent black population in its programming and employment practices. The petition claimed

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<sup>5</sup>Unity House, Newsletter, Vol. II, March, 1970, Washington, D. C.

that WMAL "misrepresented blacks and the idea of blackness in a derogatory and insulting manner."<sup>6</sup> In early February, 1971, the WMAL license renewal was granted by the FCC. However, BEST is preparing to file for further actions to challenge the renewal by appealing the decision in the courts.<sup>7</sup>

Although BEST began as a Washington area concern, the organization recognized its uniqueness as the only group dedicated solely to educating the black public and protecting their rights. BEST sought to use its experience in the WMAL-TV case as a basis for forming a national network of offices, and has since been active in other locations. Absalom Jordan, national chairman of BEST, says the primary emphasis of the national movement is to inform blacks of the steps they can take to get local programming more relevant to them.<sup>8</sup>

BEST also recognized the opportunities for action inherent in its Washington location. BEST was in a position to work directly with the FCC and Congress. The group actively campaigned for a black replacement when Commissioner Cox retired from the FCC, claiming that a qualified black should be appointed to the Commission to provide minority

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<sup>6</sup>Reprint of Petition to Deny Renewal of Broadcast License--WMAL-TV, August, 1969, p. 5.

<sup>7</sup>"New Challenges from Every Side," Broadcasting, Vol. LXXVII, No. 10 (September 8, 1969), p. 28.

<sup>8</sup>Ibid., p. 27.

representation.<sup>9</sup> BEST members also lobbied against the controversial Pastore bill and worked with the CCC to open FCC proceedings to the public. (See Chapter IV.)

#### National Citizen's Committee for Broadcasting

The National Citizen's Committee for Broadcasting (NCCB), a New York-based organization, was originally founded in 1967, as the National Citizens Committee for Public Broadcasting.<sup>10</sup> Its primary function was to support public broadcasting as an alternative to low-quality commercial broadcasting. The group had many internal organization problems and financial troubles, but is now actively supporting citizen involvement in commercial broadcasting. The NCCB has plans to develop a national clearing-house for information on local citizen groups and their activities.<sup>11</sup>

A listing of the names and addresses of the organizations which have furnished legal aid and other services to black citizen groups is provided in Appendix E. The names and addresses of several other organizations which have contributed research findings to citizen groups are also included in the Appendix.

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<sup>9</sup>"BEST Pushes for Black FCC Appointee," Broadcasting, Vol. LXXIX, No. 1 (July 6, 1970), p. 30.

<sup>10</sup>Richard K. Doan, "Who Speaks for the Viewer?" Television: Selections from TV Guide Magazine, Barry G. Cole, ed., The Free Press (New York: Macmillan Company, 1970), pp. 427-431.

<sup>11</sup>Conversation with Bob Stein, staff member of CCC, February, 1971.



## CHAPTER IV

### BROADCAST INDUSTRY AND FCC REACTIONS

The reactions of the broadcast industry and the FCC to active citizen participation to open access for blacks in broadcasting have undergone marked changes since the initial attempt made by citizens in the WLBT-TV case. Both broadcasters and the FCC have been forced to recognize their tremendous responsibilities in serving the public interest and to assure the public that they will meet their obligations to provide service truly in the public interest.

The reality of active citizen participation in broadcasting affairs was not easily accepted. Broadcasters felt their position as lucrative commercial concerns threatened by the "sudden" intervention of citizens who had previously allowed them to conduct their business without interference. The FCC had confined itself primarily to overseeing compliance to the many technicalities of the business-oriented provisos of the Communications Act. The advent of citizen action made it necessary for broadcasters and the Commission to further review the often quoted, but ambiguous term, "public interest."

### Initial Involvement

Broadcasters were elated when the FCC first refused standing to the Office of Communication in the WLBT case. An editorial in Broadcasting magazine expressed many broadcasters' belief that the citizens had no right to challenge a station's license on the basis of its programming policies. The editorial exclaimed, "The United Church of Christ was given a lesson last week in the real meaning of fairness . . . a word it has loosely used to abuse broadcast stations that run counter to its own prejudices. . . ." <sup>1</sup>

The WLBT actions added fire to the growing dissension among the FCC Commissioners. In 1968, Commissioners Cox and Johnson decried the role of the Commission in renewal proceedings. In reference to the renewal review procedure, they said:

The process of review remains. But <sup>is</sup> is a ritual in which no actual review takes place. . . . This entire ritual, which is a burden on broadcasters and a boon to the Washington, D. C., communications bar, has no real point. It is a sham. . . . Programming deficiencies, even the most flagrant indifference to the local service obligations imposed by the Communications Act, raised no eyebrows. <sup>2</sup>

Their reaction was even stronger when the Commission voted to grant the full three-year renewal to WLBT-TV. Their 76-page dissenting statement severely criticized the other

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<sup>1</sup>"Editorial," Broadcasting, Vol. LXXIII, No. 17 (October 3, 1967), p. 110.

<sup>2</sup>Commissioners Cox and Johnson, "Broadcasting in America and the FCC's License Renewal Process: An Oklahoma Case Study" (June, 1968). Reprint in Television Today, Institute for Policy Studies, Washington, D. C., 1969, p. 57.

Commissioners for their hostile treatment of the citizen group.<sup>3</sup>

Many other television and radio critics joined the cause and agreed with Maurine Christopher of The Nation when she chastised the FCC for its failure to admit how non-integrated broadcasting really was.<sup>4</sup> The actions of the FCC were no longer subject to only esoteric criticism. The public was being made aware of its function through many channels: magazines, newspapers, community meetings and other public forums. Broadcasters and the FCC began to realize that the black movement on local stations was not a passing "craze", but an issue of lasting concern to black citizens in all parts of the country. Their efforts to gain local access would not cease, even if they met strong opposition from broadcasters and the FCC.

#### Fairness and Negotiated Agreements

The FCC policies adopted for equal employment and in the fairness issues of the Red Lion-RTNDA cases made broadcasters more defensive. They had always been wary of "too much" governmental control of the media and had sought to avoid strict government regulation by formulating guides for self-regulation in the National Association of Broadcasters.

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<sup>3</sup>See generally Dissenting Statement of Commissioners Cox and Johnson, FCC Reports, Vol. 14 (2nd series), June 27, 1968, pp. 442-474.

<sup>4</sup>Maurine Christopher, "Television," The Nation, Vol. CCVII (August 5, 1968), pp. 93-94.

But the NAB Television and Radio Codes called for voluntary compliance. Stations were not required to recognize them. An NAB spokesman indicated that all "responsible" stations welcomed citizen suggestions, but resented the more militant groups who were anxious for immediate changes.<sup>5</sup> The actual politicizing of the audience was met "by less than delight" from most broadcasters. Regardless of broadcasters' preferences for handling citizen complaints, those who did not respond to community concerns were in for trouble with local residents and the FCC.

Many broadcasters agreed with CBS/Broadcast Group president Ralph Jencks' opinion that agreements made with citizen groups were tantamount to broadcast regulation "by private contract."<sup>6</sup> They opposed the FCC's satisfaction with group-station negotiations, claiming the FCC was delegating its authority because it was either unable or afraid to accept the responsibility for making the controversial decisions that were bound to arise in these renewal actions.

The broadcasters' fears were intensified when KTAL-TV and the Office of Communication made arrangements for KTAL to reimburse the Texarkana citizen group for the legal fees incurred during their negotiations. The settlement was submitted to the FCC for approval in July, 1970.

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<sup>5</sup>"A Look at Those Broadcast Reformers," Broadcasting, Vol. LXXVI, No. 18 (May 5, 1969), p. 42.

<sup>6</sup>"Jencks: Leave Regulation to FCC," Broadcasting, Vol. LXXX, No. 4 (January 25, 1971), p. 32.

Broadcasting reflected the majority industry reaction to this bargain in an article titled, "Rubbing It In".<sup>7</sup> The broadcasters felt this type of agreement added insult to injury. The citizen groups could not only attack a station's license, but, if the FCC approved the KTAL "deal", they could make the station pay for it. But the broadcasters' fears were alleviated when, in September, the FCC refused to sanction the \$15,000 settlement, thereby, avoiding this undesirable precedent.<sup>8</sup>

#### Pastore Bill--Renewal Standards

In 1969, broadcasters rallied to support the controversial "Pastore Bill", S. 2004, to amend the Communications Act. The introduction of the bill came as a response to the FCC decision revoking the license of station WHDH-TV, Boston, in favor of a challenging application filed by a group of local businessmen.<sup>9</sup> Broadcasters believed the bill, calling for a change in the system of comparative hearings when a competing application is filed for a license scheduled for renewal, would give them the protection they needed.

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<sup>7</sup>"Rubbing It In," Broadcasting, Vol. LXXIX, No. 3 (July 20, 1970), p. 5.

<sup>8</sup>"KTAL-TV Forbidden to Repay Church," Broadcasting, Vol. LXXIX, No. 13 (September 28, 1970), p. 28.

<sup>9</sup>Citizens Communication Center, A Progress Report, loc. cit. (March 15, 1970), p. 3.

The law, if passed, would prevent the FCC from reviewing competing applications until it revoked the incumbent's license. Even when the FCC decided to drop the WHDH decision as a renewal precedent, the broadcasters still favored the Pastore bill which would take policy out of the ever-changing regulation of the FCC.<sup>10</sup>

The Citizens Communication Center and BEST joined in opposition to the bill, calling it a "backdoor" to racism; a law that would serve to perpetuate the "white establishment" in broadcasting.<sup>11</sup>

Initially, the passage of the bill seemed imminent, but as public awareness and concern about the bill grew, many congressmen turned against it. The broadcasters turned to the FCC for help. On January 15, 1970, the FCC issued a Statement of Policy on comparative hearings which encouraged "good faith" competing applications, but provided a sanctuary for broadcasters willing to stand on their past record of performance.<sup>12</sup> The statement cited the FCC's intent to favor the incumbent licensee if the station had been making substantial efforts to serve community needs. This policy nullified the assumed need for the Pastore legislation.

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<sup>10</sup>"FCC Dumps WHDH as Renewal Precedent," Broadcasting, Vol. LXXVIII, No. 3 (January 19, 1970), p. 21.

<sup>11</sup>"New Challenges from Every Side," Broadcasting, Vol. LXXVII, No. 10 (September 8, 1969), p. 25.

<sup>12</sup>"FCC--Interpreting the Rules and Regulations," Broadcast Management and Engineering (March 1970), p. 12.

BEST and the CCC believed this policy would lead to virtually automatic renewal and immediately filed several legal actions with the FCC and the courts. They believed the FCC had no legal right to issue a policy of such public importance without prior public notice and consultation.<sup>13</sup> Their petitions were dismissed by the FCC and their attempts to gain a temporary restraining order on the policy failed, but they continued their efforts to block the policy. Finally after months of litigation, the Department of Justice stated its support of the FCC policy in January, 1971.<sup>14</sup>

#### Ascertainment of Needs Issue

While the Pastore bill controversy raged, the FCC was caught in still another citizen group-broadcasters dilemma. The Commission's policy of encouraging citizen involvement at renewal time made the methods used for ascertaining the community's needs and interests a crucial topic. Black citizens' license challenges revolved around the alleged failure of stations to adequately meet the needs of the community and their failure to consult with black leaders in their ascertainment surveys. Broadcasters demanded that

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<sup>13</sup>Citizens Communication Center, A Progress Report, loc. cit., pp. 3-4.

<sup>14</sup>"FCC, Justice Are in Harmony on Renewals," Broadcasting, Vol. LXXX, No. 4 (January 25, 1971), p. 30.

the FCC clarify their obligations in determining what community needs and interests were.

The FCC made plans to propose a primer to provide guidelines for licensees to follow in surveying their communities' needs and interests. The CCC and BEST learned of the Commission's plans and petitioned the FCC to allow representatives of the public to enter the discussions on such proposed rules.<sup>15</sup> They were refused admittance on the Commission meetings, but their subsequent efforts to secure the right of public inclusion before passage of the primer succeeded. In December, 1969, the FCC issued the proposed Primer on Ascertainment of Community Problems (22 FCC 880, 1969) for public comment.<sup>16</sup>

The 38 question-answer format Primer met mixed reaction from the public and broadcasters. No one was entirely satisfied with the guidelines which stated that stations could use "any valid method" of survey that represented "good faith efforts and sound principles."<sup>17</sup> The Primer brought one important innovation, however. The determination of "community needs and interests" was made synonymous with the ascertainment of "community problems."

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<sup>15</sup>Citizens Communication Center, A Progress Report, loc. cit., p. 2.

<sup>16</sup>"How to Gauge Community," Broadcasting, Vol. LXXVII, No. 25 (December 22, 1969), p. 10.

<sup>17</sup>Ibid.



So much discussion ensued that the FCC extended the deadline for comment on the Primer from January 30 to April 13, 1970.<sup>18</sup> Meanwhile, so many citizen groups had come to the front to challenge licensees that in March, the FCC called a halt to proceedings on issues concerning stations' methods of surveying the community until the ascertainment problem was resolved. The FCC Hearing Examiner was instructed to stay all proceedings involving ascertainment complaints. Stations were permitted to file amendments to their renewal applications containing any additional information called for in the Primer.<sup>19</sup>

By December, 1970, the problem of determining whether a station had adequately surveyed its community resulted in the delay of granting renewals to over 60 licensees.<sup>20</sup> The Primer has undergone revisions and has been formally adopted. In recent months the FCC has moved quickly to clear its backlog of pending renewals. The Commission moved to renew many of these licenses on the basis of the amendments to renewal applications following the proposed Primer. Even Broadcasting admitted licenses were not in jeopardy in cases where stations could demonstrate that they were trying to consult all segments of the community to determine local

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<sup>18</sup>"Doubts Expressed on Primer," Broadcasting, Vol. LXXVIII, No. 5 (February 2, 1970), p. 10.

<sup>19</sup>"Primer May Prolong Cases at FCC," Broadcasting, Vol. LXXVIII, No. 13 (March 30, 1970), p. 60.

<sup>20</sup>"Industry News," Broadcast Management and Engineering (January, 1971), p. 6.

problems and to develop programming in accord with their findings.<sup>21</sup>

### Summary

The FCC has gradually reversed its policies concerning public participation in broadcasting. It has progressed from treating citizens as "outsiders" to welcoming their help in preserving public rights. Broadcasters, unfortunately, have not come as far. There are many, such as Ralph Jencks, who still look upon citizen involvement as a kind of "Old West vigilantism" which must necessarily lead to racial separatism.<sup>22</sup> But most broadcasters have admitted that the best course of action is to humor these citizen groups by submitting to economically feasible suggestions for station improvement. As Broadcasting put it:

Somewhere there will have to be a legal confrontation between the broadcaster and those who would thrust upon him obligations that he cannot carry out. Meanwhile, the wise broadcaster will make every reasonable effort to find, hire and promote minority personnel and to provide responsible reportage of minority acts and causes.<sup>23</sup>

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<sup>21</sup>"Up the Establishment: How to Play a New Game," Broadcasting, Vol. LXXX, No. 2 (January 11, 1971), p. 20.

<sup>22</sup>"Jencks: Leave Regulation to FCC," Broadcasting, Vol. LXXX, No. 4 (January 25, 1971), p. 32.

<sup>23</sup>"Overload," Broadcasting, Vol. LXXVIII, No. 10 (March 9, 1970), p. 82.

## CHAPTER V

### CONCLUSION

#### Achievements

The initial three-year period (1968-1970) of organization and action by citizen groups seeking to open avenues for black access to local broadcasting resulted in several significant achievements. Members of the black minority, especially in the South, have demonstrated to broadcasters that their needs and desires are an integral part of the public interest. Black citizens, serving as the much-needed catalyst in slow-moving FCC procedures, proved that broadcasters could no longer ignore citizen rights. They succeeded in bringing into effect FCC rules banning racial discrimination in broadcast hiring and programming practices. They have established legal precedents which are influencing the entire broadcast industry.

Private agencies, like the Office of Communication, recognized and succeeded in filling the need for counseling services to educate and advise these citizen groups. Their methods have shown that an understanding of the problems of broadcast regulation and public rights is not beyond the grasp of the average citizen.

These groups helped black groups develop legally defensible procedures for gathering information on local broadcast service; procedures that can be followed by any citizen group to collect data. They helped the black citizen groups prove that effort at reform could be instigated without recourse to expensive legal action, i.e., that individual agreements could be secured with local broadcasters. But these agencies also stood ready to offer legal assistance if it became necessary. Blacks did not have to remain a powerless minority simply because they could not financially afford to take action.

#### Ramifications

William Wright of BEST described the rationale for their methods of securing broadcast reform in this manner:

Blacks are proceeding in a responsible way. Responsibility is the key word. They (the white media) have been shoving law and order down our throats and we're going to accomplish our goals in a legal way. We're going to shove law and order down their throats. We're using Federal Communications law.<sup>1</sup>

The rage and indignation of blacks stifled by "white faced" media combined with their determination to use legal means to achieve their purpose is evident in this statement.

Broadcasters may abhor the "shove it down their throats" militant attitude, but surely this form of responsible legal action is preferable to violence. We know from experience

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<sup>1</sup>"New Challenges from Every Side," Broadcasting, Vol. LXXVII, No. 10 (September 8, 1969), p. 28.

that a powerless minority, denied access to information channels, will resort to violence in an effort to express its frustrations. Broadcasters are in a unique position to lessen the racial tensions in America. They have the facility to provide a constantly flowing dialog between blacks and whites.

Perhaps the most valid concern of broadcasters, resentful of citizen involvement, is that pressure from the black community might result in even greater racial separation through over-compensation in efforts to develop local service for the black community. This apprehension could be supported by the reactions of a minority of white conservatives. The FCC letters from members of the Memphis White Citizens Council, cited in Chapter II, demonstrate this type of "backlash". Another group of white citizens in St. Louis have accused the FCC of adopting a double standard in their programming and employment policies which discriminates against whites.<sup>2</sup> However, I believe if broadcasters compound the problem of racial separatism by allowing overcompensation, they have only themselves to blame.

The FCC has merely echoed the federal government in its minority employment policies. Its programming and community "problem" policies of the past three years have only reflected the cumulative national reactions of the American

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<sup>2</sup>"FCC Policies Biased Against Whites?" Broadcasting, Vol. LXXX, No. 4 (January 25, 1971), p. 30.

public to our racial crisis as described in the Kerner Commission Report.

Broadcasters need have no fear of being forced to succumb to unreasonable demands. The Fairness Doctrine protects both the public and the broadcaster by insuring diversity of expression on any controversial issue. In essence, a broadcaster who is not violating public trust is secure. As Senator Pastore stated in TV Guide:

The Fairness Doctrine affords the broadcaster the flexibility he needs to move ahead with daring, imagination and integrity in these crucial times. . . . The challenge--and the choice--is his.<sup>3</sup>

I believe that if a broadcaster is willing to stand on his record of programming and employment policies and practices, he need not hesitate to put his case before the FCC, the public or the courts. The history of decisions in the past three years proves that only a broadcaster who does not meet his obligations is in danger of losing his license.

In the past, many people become indifferent to the standards of local broadcasting because they did not know their rights and were, therefore, powerless to bring about changes. In my opinion, the most significant result of the movement for black access to the broadcast media has been the proof that any citizen has the capacity to overcome the powerful interests of a profit-motivated commercial broadcaster.

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<sup>3</sup>Senator John Pastore, "Is Speech on Television Really Free?" Television: Selections from TV Guide Magazine, Barry G. Cole, ed., The Free Press (New York: Macmillan Co., 1970), p. 315.

Criticism of local broadcasting was long overdue. By their silence and indifference, blacks and whites alike, allowed broadcasters to ignore their responsibilities to serve the public interest at the community level. I agree with Fred Friendly's observation:

The stock answer (of broadcasters) . . . for the current television schedules is, 'We give them what they want,' but what has actually happened is that those viewers who have been brainwashed select their own brand of popcorn, while those of more discerning tastes simply give up watching and listening.<sup>4</sup>

Friendly was, of course, discussing network television operation, but his statement applies equally to local broadcasters. In effect, broadcasters excused themselves for worthless programming by placing the blame on the public for watching and listening to it.

Unfortunately, it took the public years to respond. Black citizens united to protest that broadcasters were not giving them what they wanted, but were trying to sell a product which increasing numbers of blacks were no longer willing to "buy". By standing firm in their cause to reform local service to open broadcasting to the black community, these black citizen groups have opened the door for all citizens seeking reform. The success of their efforts has shown all minorities that the broadcast media must be responsive to the needs and interests of the community and that broadcasters can be forced, if necessary, to comply with

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<sup>4</sup>Fred Friendly, Due to Circumstances Beyond Our Control (New York: Random House, Inc., Vintage Books, 1967), pp. 273-274.

their needs for adequate local service.

### Outlook

Thus, the validity of the need for public access to the broadcast media has been proved. Black access to local stations is increasing, but the process of equalizing opportunities cannot be accomplished in two or three years. Change is always slow and unsteady under a democratic government where every opinion is entitled to a hearing. Efforts to guard citizen rights in broadcasting must continue. The public must be willing to follow the example of the black community in remaining constant in their participation and interest in local stations.

The ultimate result of continuing citizen involvement in local broadcasting will be a better informed, more tolerant community and a broadcast system ever responsive to the public interest.



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## APPENDICES

## APPENDIX A

### EQUAL EMPLOYMENT RULES

In part 73, 73.125, 73.301, 73.599, 73.680, and 73.793, all to read identically, are added as follows:

#### 73.--Equal Employment Opportunities.

(a) General Policy.--Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or non-commercially operated standard FM, television or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion or national origin.

(b) Equal Employment Opportunity Program.--Each station shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.



(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the station's equal employment opportunity program and policy and its employment needs to sources of qualified applicants without regard to race, color, religion or national origin, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion or national origin from the station's personnel policies and practices and working conditions.

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the station.

## APPENDIX B

### INSTRUCTIONS FOR ANNUAL EMPLOYMENT REPORT (FCC Form 395)

#### 1. Who must file.

All licensees and permittees of commercial and non-commercial AM, FM, Television and International Broadcast Station with five or more full-time employees must file the Annual Employment Report on FCC Form 395.

#### 2. When and Where to File.

A single copy of each Annual Employment Report required under these instructions must be filed with the Federal Communications Commission, 1919 M Street, N.W., Washington, D. C. 20554, no later than May 31st each year.

#### 3. Reporting Period.

The employment data filed on FCC Form 395 must reflect the employment figures from any one payroll period in January, February, or March.

#### 4. Reporting Units.

A separate Annual Employment Report (FCC Form 395) must be filed:

- (a) For each AM, FM, TV and International Broadcast Station, whether commercial or noncommercial;

except that a combined report may be filed for an AM and an FM station, both of which are:

- (1) under common ownership, and
- (2) assigned to the same principal city or to different cities within the same standard metropolitan statistical area.

(b) For each Headquarters Office of a multiple station owner at which the employees perform duties solely related to the operation of more than one broadcast station (A separate Form 395 need not be filed to cover headquarters employees whose duties relate to the operation of an AM and an FM station covered in a combined AM-FM report under Instruction 4 (a), if all such employees are included in such combined AM-FM Report).

(c) As a Consolidated Report, covering all station and headquarters employees covered in the separate reports which a multiple station owner must file under Instructions 4 (a) and 4 (b).

#### 5. Job Categories.

The "job category definitions" used by the Equal Employment Opportunity Commission in its Instructions for completing its EEO-1 Form are the definitions which should be used in completing the FCC Form. These are:

Officials and Managers--Occupations requiring administrative personnel who set broad policies, exercise over-all

responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

Professional--Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers and kindred workers.

Technicians--Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, draftsmen, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical sciences), and kindred workers.

Sales--Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen, demonstrators, salesmen and sales clerks, grocery clerks and cashier-checkers, and kindred workers.

Office and Clerical--Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

Craftsmen (skilled)--Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid foreman and leadmen who are not members of management, mechanics and repairmen, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, and kindred workers.

Operatives (semiskilled)--Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, bricklayers, carpenters, electricians, machinists, mechanics, plumbers, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, deliverymen and routemen, dressmakers and seamstresses (except factory), dyers, furnacemen, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor-men, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, stationary firemen, truck and tractor drivers, weavers (textile), welders, and flamecutters, and kindred workers.

Laborers (unskilled)--Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, longshoremen and stevedores, lumbermen, raftsmen and wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

Service Workers--Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institution, professional and personal

service, including nurses aides, and orderlies), barbers, charwomen and cleaners, cooks (except household), counter and fountain workers, elevator operators, firemen and fire protection, guards and watchmen and doorkeepers, stewards, janitors, policemen and detectives, porters, waiters and waitresses, and kindred workers.

Apprentices--Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

On-the-job Trainees:

Production--Persons engaged in formal training for craftsmen--when not trained under apprenticeship program--operative, laborer, and service occupations.

White Collar--Persons engaged in formal training, for official, managerial, professional, technical, sales, office and clerical occupations.

\* \* \*

For FCC purposes "on-the-air" personnel are to be listed in the "Professional" job category. A "comboman" is to be listed in the job category which represents the most important work done by that person. A "comboman" is to be listed only once.

For FCC purposes, "white collar" workers include those employees in the following job categories: Officials and managers; Professionals; Technicians; Sales; Office and

Clerical. "Production" workers include those employees in the following job categories: Craftsmen (Skilled; Operatives (Semiskilled); Laborers (Unskilled); Service Workers; Apprentices.

6. "All Employees".

Include in this column all employees in the Reporting Unit covered in the individual FCC Form 395, not just the total employees falling within the four categories of "Minority Group Employees".

7. Minority Group Identification.

- (a) Minority group information necessary for this section may be obtained either by visual surveys of the work force, or from post-employment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.
- (b) Since visual surveys are permitted, the fact that minority group identifications are not present on company records is not an excuse for failure to provide the data called for.
- (c) Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries



and record-keeping as to race, etc., relate only to applicants for jobs, not to employees.

- (d) FCC Form 395 provides for reporting Negroes, American Indians, Orientals, and Spanish Surnamed Americans, wherever such persons are employed. For purposes of this report, the term Spanish Surnamed Americans is deemed to include all persons of Mexican, Puerto Rican, Cuban, or Spanish origin. Identification may be made by inspection of records bearing the employees' names, by visual survey, by employees' use of the Spanish language, or other indications that they belong to this group. The following States are among those having large concentrations of Spanish Surnamed Americans: Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York and Texas. Large concentrations of Spanish Surnamed Americans are found in particular localities in other States. In Alaska, include Eskimos and Aleuts with "American Indian."

8. Licensees who operate statewide, regional or national networks file separate "Headquarters" reports for personnel assigned directly and primarily to the network operation. In cases where there are network offices and staffs in more than one city, a "Headquarters" report is to be filed for each city.

## Stations Call Letters and Locations

(The data below shall also be included in the figures for the appropriate occupational categories in Sections II and III)

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On-the-job trainees 1/

White collar . . . . .

Production . . . . .

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1/ Report only employees enrolled in formal on-the-job training programs.

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### C E R T I F I C A T I O N

(This report must be certified: by licensee or permittee, if an individual; by partner of licensee or permittee, if a partnership; by an officer of licensee or permittee, if a corporation or association; or by an attorney of licensee or permittee in case of physical disability of licensee or permittee or his absence from the Continental United States.)

I certify that to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed..... Title.....

Date.....19..... Name of Company.....

# II

Status of full-time, paid employees only. Refer to cover notes for explanation of all title functions.

| Job Categories                                       | ALL EMPLOYEES                 |             |               | MINORITY GROUP EMPLOYEES |                      |                                 |  |              |                      |                                 |   |  |  |
|--|-------------------------------|-------------|---------------|--------------------------|----------------------|---------------------------------|--|--------------|----------------------|---------------------------------|---|--|--|
|  | Total<br>(Col.<br>2+3)<br>(1) | Male<br>(2) | Female<br>(3) | MALE                     |                      |                                 | FEMALE                                 |              |                      |                                 |   |  |  |
|  |                               |             |               | Negro<br>(4)             | Orien-<br>tal<br>(5) | Amer-<br>ican<br>Indian*<br>(6) | Spanish<br>Surnamed<br>American<br>(7) | Negro<br>(8) | Orien-<br>tal<br>(9) | Amer-<br>ican<br>Indian<br>(10) | Spanish<br>Surnamed<br>American<br>(11) |  |  |
| Officials and<br>Managers                            |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Professionals  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Technicians  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Sales Workers  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Office and<br>Clerical                               |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Craftsmen<br>(Skilled)                               |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Operatives<br>(Semi-skilled)                         |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Laborers<br>(Unskilled)                              |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Service Workers                                      |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Total  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |
| Total employment<br>from previous<br>report (if any) |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |  |

\*In Alaska, include Estimos and Aleuts with "American Indian."

### III

Status of part-time, paid employees only. Refer to cover notes for explanation of all title functions.

| Job Categories                                       | ALL EMPLOYEES                 |             |               | MINORITY GROUP EMPLOYEES |                      |                                 |  |              |                      |                                 |   |  |
|--|-------------------------------|-------------|---------------|--------------------------|----------------------|---------------------------------|--|--------------|----------------------|---------------------------------|---|--|
|  | Total<br>(Col.<br>2+3)<br>(1) | Male<br>(2) | Female<br>(3) | MALE                     |                      |                                 | FEMALE                                 |              |                      |                                 |   |  |
|  |                               |             |               | Negro<br>(4)             | Orien-<br>tal<br>(5) | Amer-<br>ican<br>Indian*<br>(6) | Spanish<br>Surnamed<br>American<br>(7) | Negro<br>(8) | Orien-<br>tal<br>(9) | Amer-<br>ican<br>Indian<br>(10) | Spanish<br>Surnamed<br>American<br>(11) |  |
| Officials and<br>Managers                            |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Professionals  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Technicians  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Sales Workers  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Office and<br>Clerical                               |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Craftsmen<br>(Skilled)                               |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Operatives<br>(Semi-skilled)                         |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Laborers<br>(Unskilled)                              |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Service Workers                                      |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Total  |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |
| Total employment<br>from previous<br>report (if any) |                               |             |               |                          |                      |                                 |  |              |                      |                                 |   |  |

\*In Alaska, include Estimos and Aleuts with "American Indian."

## APPENDIX C

### TELEVISION OBSERVING A STATEMENT OF PURPOSE

Communication is a key factor in solving the racial crisis gripping America today. Among the mass media, television broadcasting provides a universal and pervasive force. Television also has a special obligation to function in the public interest of all of our citizens. Members of your community must cooperate if black Americans are to receive equal, fair, and necessary television service.

#### Six Steps for Community Action

Each community project will involve six major steps:

1. Broadcasting and Your Community. The first step is to gain an understanding and appreciation of the potentials of broadcast communication in your community. What are the special qualities of television that can help the black man in his fight for equality? How do these possibilities apply to the needs of your community?

2. Your Rights and Responsibilities. You must understand your rights and responsibilities under the American system of broadcasting. A booklet, How To Protect Citizen Rights in Television and Radio, has been prepared to help you.

3. The Stations in Your Community. You must be familiar with the actual function of the television stations in your community. This acquaintance is accomplished through a process called "observation." You will be critically watching selected television programs and filling out Observers' Report Forms on each of the programs you see. Some members of the group will be asked to record the sound portion of some broadcasts. Careful analysis will be made of the information collected during the observing period.

4. Evaluation of Service. Based upon the information gathered during the observation period, some conclusions will be made about the strengths and weaknesses of local television service as it pertains to the black citizen and the racial problems of your community. Are there positive elements in this service that should be encouraged? Are there areas of programming in which the black is ignored or forgotten? Does bias appear to be purposeful or merely neglectful? Is coverage of significant issues in the black community superficial or seemingly only a token gesture?

5. Goals for Improvement. It will be necessary to define goals for improvement of television in your community. Has each station lived up to the promises it made to obtain its license to broadcast? Has each station properly ascertained the needs of the blacks reached by its signal? Specifically, what changes are required of each of the stations you have observed?

6. A Plan of Action. A course of action must be developed and implemented to bring about desired change. In most cases we will bring recommendations to the station managers. It is entirely possible that your ideas will be welcomed. The citizen's group will be able to show the need for programming changes and perhaps demonstrate why blacks must participate in the determination of community needs, both as members of the public and as station employees. The station may agree.

Unfortunately, it is also possible that your recommendations will be rejected. If this happens, your group and the Office of Communication, will consider next steps up to and including a petition to the Federal Communications Commission.

What are we looking for?

Service to blacks is only one of many issues which may concern you when you consider the influence of television on your family and community. However, for the moment, we ask that you concentrate your attention on this aspect of television service. It is our primary goal to ascertain (1) whether or not blacks receive treatment equal to that accorded to whites in television services, (2) whether or not blacks are treated fairly, and (3) whether or not blacks receive television service sufficient to meet their particular tastes, needs, and desires.



1. Do blacks receive treatment equal to that accorded whites in television service? It will be necessary to gain a general knowledge of the whole programming service of a station to answer this question. However, attention will be concentrated on programs the station produces to serve the local community and the public affairs and news programs reaching the community from a network or other sources.

Information such as the following will be gathered:

What types of programs does the station broadcast and when are they on the air?

Are these programs produced locally by the station or do they come from a network or recording from outside the community?

In its local programming, what is the extent and frequency of appearance of blacks?

Are programs concerning civil rights and racial problems regularly carried from the station's network affiliation?

The participation of blacks in programs will then be compared quantitatively with the exposure accorded whites on the station.

2. Are blacks treated fairly in television service? Within that portion of the station's service that treats blacks and that deals with racial issues, are persons and issues dealt with fairly and objectively? Are blacks accorded the same courtesy as whites? Is the black point of view presented? Do black spokesmen have the opportunity to

present their views? Are blacks singled out for unfair identification? Do blacks, their practices, or their leaders come under attack? Are blacks freely mingled with whites and do they have a role as important as do whites?

3. Do blacks receive television service sufficient to meet their particular tastes, needs, and desires? In part, this information will be supplied by data covering the first two points. However, black and other minority groups are faced with unique and compelling problems in America. Beyond equal and fair treatment of minority groups in reporting news which involves them, what efforts are broadcasters making to meet the needs of these people?

Are the lives and problems of blacks portrayed with depth and meaning so the whole community can understand their hopes, desires, background, habits, customs, and acts? Are blacks and whites given an opportunity to see and hear black leaders and to understand their ideas and plans? Are programs broadcast to help meet the educational needs of the ghetto areas? Are programs presented that show the talents and ideas of blacks?

## INSTRUCTIONS FOR COMPLETING OBSERVER'S REPORT FORM

Before beginning your television observation, please read these instructions carefully and examine the Observer's Report Form. You should also read the other materials you have been given: the pamphlet, HOW TO PROTECT CITIZEN RIGHTS IN TELEVISION AND RADIO, and the mimeographed sheets titled "Television Observing: A Statement of Purpose" and "A Television Program Service: What Are Its Elements?"

You will report all information concerning each program you view on an Observer's Report Form. Note that the form covers both sides of the sheet. Complete the bottom part of the first side while you watch the assigned program. Complete the back side after the program is over.

It is easiest to do observing if you will sit in a comfortable chair with a table either in front of you or at your immediate side on which to write on the report form. Be sure to have several pencils at hand, or if you use a pen have a spare in case you run out of ink. Also, be sure to have a good electric clock or watch on which the minutes are clearly marked and which has a sweep second hand. Timing is very important, so be sure you have the correct time.

Completing the FormFront Side

1. Your Assignment. Notice that the front side of the form is divided into three boxes. The upper box, marked "Viewing Assignment," has been filled in for you. This is the program you are to watch.

2. Observer Information. Directly below your assignment is a box in which we ask some important questions about you. We ask your name, address, and phone number in case we need more information on the program you viewed. We also ask your age, sex, education and race. This information will be used statistically to see if differences in people have any effect on the way they react to a program.

3. Description. The box that fills the bottom half of the front side of the form is for you to describe the program. Be sure to report each instance when a racial issue is discussed or when a black person appears. Number each incident you describe in the "Item No." column. Using your watch or clock, carefully note the length of each incident and mark the "Time" column. If no black person appears or or there is no treatment of race, please note that fact.

Describe the progress objectively and accurately. Tell it so that someone else will know exactly what happened. Remember, your opportunity to react to the incidents will come after the program is over. First report what you see and hear.

#### Back Side

4. Your Reactions. When the program is over, turn the form over. Here is your opportunity to present your reactions to what you have seen. Answer each of the first three questions by checking one of the choices and then explain the reason for your opinion. (If you offer specific comments on any of the items on the first side, note its number in your response.) Question four gives you the chance to tell how a program of the type you have just seen could better serve the needs of black people. If you have further comments which do not fit into the other questions, place them under question five.

#### Returning Your Forms

At the end of each week of observing, place your completed forms in one of the envelopes provided and mail them immediately.

## OBSERVER'S REPORT FORM

| <u>Viewing Assignment</u> |                          |               |
|---------------------------|--------------------------|---------------|
| Station_____              | Channel_____             | Location_____ |
| Program Title_____        | Source_____              | Type_____     |
| Broadcast Date_____       | Time Program Begins_____ |               |
| Time Program Ends_____    |                          |               |

| <u>Observer Information</u>  |                               |
|--|-------------------------------|
| Observer's Name_____   | Phone_____                    |
| Street_____  | City_____ State_____ Zip_____ |
| Sex: (Circle) Male Female    Race: (Circle) Black White                          |                               |
| Age: (Circle) 15-20 21-30 31-40 41-50 51-60 61-70 Over 70                        |                               |
| Highest Grade In School Completed: 1 2 3 4 5 6 7 8 9 10 11<br>12 13 14 15 16 16+ |                               |

| <u>Description</u>   |      |             |
|--|------|-------------|
| <p>DIRECTIONS: Complete this box while you watch the assigned program. Be objective and accurate. Describe each incident where a racial issue is treated or where a black person appears. Pay close attention to the visual as well as the sound portion of the program. Note the length of each incident.</p> |      |             |
| Item No.   | Time | Description |
| <br><br><br><br><br><br><br><br><br><br>   |      |             |

After the program is over, turn to side 2.

## OBSERVER'S REPORT FORM--Side 2

After the program is over answer the following questions.  
Here we seek your thoughtful reactions to what you have seen. Be sure you explain your answers.

1. If racial issues were discussed, were they treated fairly?

Yes\_\_\_\_\_ No\_\_\_\_\_ Don't Know\_\_\_\_\_ Explain below.

2. If blacks appeared, were they accorded the same treatment as whites?

Yes\_\_\_\_\_ No\_\_\_\_\_ Don't Know\_\_\_\_\_ Explain below.

3. Do you feel that this program adequately treated the interests of the black community?

Yes\_\_\_\_\_ No\_\_\_\_\_ Don't Know\_\_\_\_\_ Explain below.

4. How could this program have better served the black community?

5. If you have further comments about this program, please give them in the space below.

Return this form to: Office of Communication,  
United Church of Christ,  
289 Park Avenue South  
New York, New York 10010

All data and materials that are gathered will become part of the permanent files of this project and cannot be returned.

## APPENDIX D

### KTAL-TV AGREEMENT AND POLICY STATEMENT

#### Agreement

KCMC, Inc., licensee of KTAL-TV, and all parties to the petition to deny and to the reply filed with respect to KCMC, Inc's application for renewal of its television broadcast license, being hereinafter collectively referred to as "Petitioners," agree as follows:

1. KCMC, Inc., will broadcast on prime time the statement of policy attached hereto. This agreement and this statement will also be filed with the Federal Communications Commission as an amendment to the pending renewal application. Any material variance from said statement shall be deemed to be a failure to operate substantially as set forth in the license.

2. Simultaneously with the filing of said statement, petitioners will join and hereby join in requesting the Federal Communications Commission to give no further consideration to the pleadings filed by petitioners, or any of them, with respect to KTAL-TV. Petitioners also join in requesting the Federal Communications Commission to renew KTAL-TV's television broadcast license for a full term.

3. This agreement and the attached statement contain the complete agreement of the parties, and there are no other promises or undertakings, express or implied.

#### Statement of Policy

KTAL-TV, having in mind its duty to serve equally all segments of the public, makes the following statement of policy:

1. KTAL will continue to observe all laws and Federal policies requiring equal employment practices and will take affirmative action to recruit and train a staff which is broadly representative of all groups in the community. As part of this policy, KTAL will employ a minimum of two full-time Negro reporters, one for Texarkana and one for Shreveport. These reporters will appear regularly on camera. In addition, KTAL will designate one person on its program staff to be

responsible for developing local public affairs programs of the type described later in this statement and for obtaining syndicated or other programs to serve similar needs.

2. KTAL will continue to maintain and will publicize a toll-free telephone line from Texarkana to its studios in Shreveport. A person will be available in Shreveport to receive requests for news coverage and inquiries about public service announcements. KTAL will give adequate coverage to events in the State capitols of Texas and Arkansas, as well as those of Louisiana and Oklahoma.

3. KTAL recognizes its continuing obligation to maintain appropriate facilities in Texarkana, its city of assignment. To this end, it will assign to its main studios in Texarkana a color television camera.

4. KTAL recognizes its obligations to present regular programs for the discussion of controversial issues, including, of course, both black and white participants. The station will not avoid issues that may be controversial or divisive, but will encourage the airing of all sides of these issues.

5. Poverty is a primary problem in KTAL's service area. KTAL is obligated to try to help solve this problem by publicizing the rights of poor persons to obtain services and the methods by which they may do so. KTAL will also help inform public opinion about the problem of poverty and the steps that are being taken to alleviate it. An aggregate of at least one-half hour of programming will be devoted to this subject each month.

6. KTAL religious programming should cover the entire range of religious thought. As part of its continuing effort to meet this obligation, KTAL will carry the religious programs presented by NBC representing the three primary American faiths. A discussion program will also be presented, to explore our current religious issues, at least monthly. KTAL will regularly present ministers of all races on local religious programs. These ministers will be regularly rotated, in an effort to represent fairly all religious groups.

7. Network programs of particular interest to any substantial groups in the service area will not be preempted without appropriate advance consultation with representatives of the group.

8. KTAL is obligated to discuss programming regularly with all segments of the public. In particular, a station employee with authority to act will meet once a month with a committee designated by the parties of the petition to deny KTAL's TV application for license renewal. Similar efforts



will be made to consult with groups representing other segments of the public.

9. KTAL will regularly announce on the air that the station will consult with all substantial groups in the community regarding community taste and needs and will accept suggestions on how best to render this service. This announcement will be broadcast once a week, on a weekday, between 7 and 11 p.m.

10. KTAL reaffirms its existing policy to make no unessential references to the race of a person. In cases where such references are made, the same practice shall be and will be followed for blacks as for whites. KTAL will continue to use courtesy titles for all women, without regard for race.

11. KTAL will endeavor to develop and present at least monthly, in prime time, a regular local magazine-type program, including not only discussion, but also local talent, and seeking participation from the entire service area.

12. KTAL will solicit public service announcements from local groups and organizations. Sound on film will be used more extensively in covering local news. In covering demonstrations, picketing, and similar events, KTAL will seek to present the diverse views which gave rise to the event.

13. KTAL-TV's undertakings are subject to all valid laws, rules and regulations of the Federal Communications Commission and to KTAL's primary obligations as a broadcast licensee to use its own good faith and judgment to serve all members of the viewing public. It is recognized that needs and circumstances change, that events may compel departure from these undertakings. However, KTAL-TV will not depart from these undertakings without advance consultation with the affected groups in the service area and advance notice to the Federal Communications Commission stating the reasons for the departure. In such instances KTAL will seek to adhere to the objectives of this statement by alternative action.

## APPENDIX E

### LISTING OF ORGANIZATIONS

American Civil Liberties Union  
156 Fifth Avenue  
New York, New York 10010

Black Efforts for Soul in Television  
1015 North Carolina Avenue, SE  
Washington, D. C. 20003

Broadcasting and Film Commission  
National Council of the Churches of Christ in the U. S. A.  
475 Riverside Drive  
New York, New York 10027

Citizens Communication Center  
Suite 103, 1816 Jefferson Place, NW  
Washington, D. C. 20036

Institute for American Democracy  
Suite 101, 1330 Massachusetts Avenue, NW  
Washington, D. C. 20005

National Citizens Committee for Broadcasting  
609 Fifth Avenue  
New York, New York 10017

Office of Communication  
United Church of Christ  
289 Park Avenue South  
New York, New York 10010

Office of Mass Media  
National Presbyterian Center  
4125 Nebraska Avenue, NW  
Washington, D. C. 20016

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