

OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
U.S. COMMISSION ON CIVIL RIGHTS

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FACT-FINDING MEETING ON THE MEDIA  
AND ITS EFFECT ON MINORITIES AND WOMEN

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Place: University of Montana School of Music  
Auditorium, Missoula, Montana

Date: April 12, 1975

VOLUME I

Pages 1 to 61

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Reported by:  
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May 21, 1975

May 21, 1975

WILL LEVIS

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John C. Tucker & Associates  
P.O. Box 1625, Deputy Director, OFO  
Boise, Idaho 83701

On March 12, 1975, the Commission contracted with the John C. Tucker and Associates, Boise, Idaho, to transcribe the April 12 open meeting. Dear Ms. Merkling: My Committee. The contract specified that Tucker "will deliver completed transcript of the proceedings (to MSRO) to Our office has reviewed your transcript of the April 12 open meeting of the Montana Advisory Committee to the U.S. Commission on Civil Rights. The Commission received the document on May 15. Listed below are corrections that should be made in the record, sent to Tucker outlining

Reporter mistakes in transcript.  
Line 24, page 9, should be "Ann Mary Dussault." The fourth word on line 19, page 15, should be "propitious." On page 54, line 25, and page 55, lines 1-4, Mr. Monagas was talking about either Richard Wiley or Dean Burch as chairman of the Commission. The initials on line 8, page 56, should be "ACLU". or does contain a general clause (no. 4) which allows the Commission to amend the contract if there is a dispute. In Volume II, the word "aesthete" on lines 4, 7 and 8, page 72, should be "atheist." In addition, the "closed meeting conference" on line 5 should be a kind of religious conference. On page 76, line 9 should be the "four Lee papers." Should it not be "Earl Craig" on lines 8, 10, 15, 18 and 23 on page 150? The third word on line 16, page 157, should be "talk". The next to last word on page 167, line 4, should be "apostolic". It is my recollection that Ms. Skye was talking about the "undeployment" rate on page 170, line 4. The second word on page 174, line 4, should be "Lumbee". On page 192, line 22, the fourth word should be "this". "C.B." on line 18, page 213, and line 8, page 214, should be "G.E.D." The fourth word on line 4, page 258, should be "Lee" and the third word on line 17 of the same page is "mandatory".

If you have any questions in changing the transcript, please contact me.

WILLIAM LEVIS  
Sincerely,  
Regional Attorney

and

WILLIAM LEVIS, MSRO  
Regional Attorney, OGC

bcc: John I. Binkley  
Deputy Director, OFO



1 MISSOULA, MONTANA, SATURDAY, APRIL 12, 1975, 9:00 A.M.

2 (HELEN PETERSON, CHAIRPERSON)

3  
4  
5 MS. HELEN PETERSON (Helena, Montana): Good  
6 morning and welcome.

7 I'm Helen Peterson, Chairperson of the  
8 Montana Advisory Committee to the U.S. Commission  
9 on Civil Rights; and I want to thank you all for  
10 coming today. I was just informed that the crowd  
11 always arrives at the university at 10:00, so part  
12 of the program will be gone by that time.

13 First, I would like to introduce the  
14 other members of the Montana Advisory Committee:  
15 Jake Beck, Great Falls; Ernie Bighorn, Miles City;  
16 Geraldine Travis, Great Falls; John Board of  
17 Great Falls; and Arlyne Reichert of Great Falls;  
18 and some of the staff of the Commission's  
19 Mountain States Regional Office in Denver, and  
20 these are the people who worked very hard to put this  
21 conference together: Dr. Shirley Hill Witt, who is  
22 Regional Director, and staff members Norma Jones,  
23 Maria Pares, William Levis, and Esther Johnson,  
24 who is at the back.

25 The Commission on Civil Rights is an

1 independent, bipartisan agency of the United States  
2 Government, established by Congress in 1957 and  
3 authorized by Federal Civil Rights legislation to:

4 Investigate complaints alleging that  
5 citizens are being deprived of their right to vote  
6 by reason of their race, color, sex, religion or  
7 national origin;

8 Two, to collect and study information  
9 concerning legal developments which constitute a  
10 denial of equal protection of the laws under the  
11 Constitution;

12 Three, to appraise Federal laws and  
13 policies with respect to denials of equal protection  
14 of the law;

15 To serve as a national clearing house  
16 for civil rights information; and

17 To investigate allegations of voter  
18 fraud in federal elections.

19 The Montana Advisory Committee, one of  
20 fifty, was one of the committees created to advise  
21 the Commission of relevant information concerning  
22 matters within the Commission's jurisdiction and  
23 matters of mutual concern in the preparation of  
24 reports to the Commission and to the President and  
25 Congress. (And our committee may also receive reports,



1 suggestions, and recommendations from individuals,  
2 and may I say they are very welcome, and from public  
3 and private organizations, and public officials on  
4 matters pertinent to inquiries conducted by the  
5 State Advisory Commission.

6 Discrimination may have been outlawed,  
7 but discrimination is not dead; and it feeds on  
8 prejudice. The reason for this media conference is  
9 that there is no greater weapon in the fight against  
10 prejudice than informed, sympathetic, and sensitive  
11 media.

12 I have lived in Montana for more than  
13 30 years. In that period I have seen many changes,  
14 and not the least of these has been a vast  
15 improvement in media attitudes toward minorities and  
16 women.

17 If you don't believe me, I invite you  
18 to compare Montana newspapers and the programs of  
19 the electronic media in the early 1940's with the  
20 media product in the state today. Media sensitivity  
21 is vastly greater now than it was even 15 years ago.

22 There is further evidence of increased  
23 media sensitivity in the area of the images of  
24 minorities and women which newspapers and  
25 television do so much to create.

1                   Why do you think we have so many media  
2 representatives here today, and many of them on  
3 our program? We are here to talk about the  
4 difficulties that arise in giving a true and  
5 sensitive picture. We are here to listen as members  
6 of minority groups and women say what they think  
7 about their image as projected to Montanans. I'm  
8 sure every group still has an image problem. I'm  
9 equally sure that once Montana media understand  
10 what these problems are, they'll do their best to  
11 paint a better picture.

12                   There is another important issue of  
13 concern to the Montana Advisory Committee at this  
14 conference: Equal employment opportunity. It may  
15 well be more important in the media than anywhere  
16 else. No matter how well television and newspapers  
17 succeed in giving a more sensitive and accurate  
18 image of minorities and women, this picture can be  
19 made ineffectual unless the media practices what it  
20 preaches. And won't the presence of minorities and  
21 women, especially in decision-making roles, in turn  
22 increase both media sensitivity and media accuracy  
23 in the fields we're discussing today.

24                   Here is how the conference will work:  
25 Speakers and panelists will use about half of the

1 time allotted for each full session. Montana  
2 Advisory Committee members and Regional Staff from  
3 Denver will start the question and answer sessions.  
4 We will try to be very brief, because we particularly  
5 want members of the audience to have ample opportunity  
6 to ask questions and express opinions. We hope that  
7 most of the question and answer period can be used  
8 by those of you who want to participate. We ask  
9 only that you remember that there are others who  
10 want to be heard, so please be concise.

11 People who have questions should come  
12 up to the microphone right over there, and use it  
13 so that everyone can hear. The session is being  
14 recorded by a Court Reporter, so please state your  
15 name and the town you come from. If you have an  
16 official position, state that, too, so that we will  
17 have it all on the record.

18 I want to stress that the dialogue begun  
19 in the panel sessions can always be continued in  
20 the workshop sessions which follow.

21 Again, thank you all for coming. We  
22 hope and believe this will be a productive day.  
23 Let's start producing.

24 Our first speaker is Norma Jones. Oh,  
25 I'm sorry. Give me my agenda.



1 (Agenda handed to Ms. Peterson.)

2 MS. PETERSON: Where is Ray Brown?

3 (Mr. Brown acknowledges.)

4 MS. PETERSON: Ray Brown, who is the  
5 Director of the Montana Human Rights Commission  
6 will greet you.

7 MR. BROWN (Helena, Montana): I bring you  
8 greetings on behalf of Thomas Judge, Governor of  
9 the State of Montana.

10 I am Ray Brown, Chief of the Human  
11 Rights Bureau for the state. The Governor has asked  
12 me to extend to you his very warmest greetings and  
13 encouragement in the work you are doing.

14 Governor Judge has been very supportive  
15 of civil rights. Through his administration and  
16 backing the 43rd Legislature of the State of  
17 Montana has passed one of the strongest civil  
18 rights laws in the country. The Human Rights  
19 Commission of this state has the power to prohibit  
20 and remedy discrimination based on sex, race,  
21 religion, color, national origin, age, physical and  
22 mental handicap. The 44th legislative session may  
23 add marital status to the statute.

24 Generally, discrimination is prohibited  
25 in the areas of employment, public accommodations,

1 credit transactions, state services, housing, and  
2 education. In addition, the state and its political  
3 subdivisions are prohibited from discriminating  
4 in employment because of an individual's political  
5 belief.

6 The Human Rights Bureau, arm of the  
7 Human Rights Commission, is responsible for  
8 investigating and conciliating points of  
9 discrimination within this state.

10 Governor Judge, the Human Rights  
11 Commission, and I pledge you our encouragement in  
12 your efforts to end discrimination in Montana.  
13 We give you our promise of support in every  
14 possible way, and we do look forward to working  
15 with you.

16 Thank you.

17 MS. PETERSON: Now, may I introduce one of  
18 our youngest legislators from Missoula County,  
19 Ann Mary Dussault, State Representative.

20 MS. DUSSAULT(Missoula, Montana): Ladies  
21 and gentlemen, good morning. Welcome to the  
22 conference at the University of Montana and my  
23 hometown, Missoula.

24 I am Ann May Dussault. I am a state  
25 legislator and actually stand before you today



1 wearing a couple of different hats. As a  
2 legislator, I am very, very interested in the  
3 area of human and civil rights, not only for  
4 minorities and women, but for all individuals  
5 in the State of Montana.

6 I am a woman, but there is another  
7 hat that I wear that I would like to briefly  
8 mention to you; and it's rather ironic. As a  
9 member of a legislative committee, a select  
10 committee, which is unique in the history of  
11 Montana, I have been one of the committee members  
12 accused of discriminating against the media,  
13 since our rules of the committee did not permit  
14 the use of tape recorders and other electronic  
15 devices in covering the proceedings of that  
16 committee. So, I find it rather ironic that I  
17 stand before you and talking on this U.S. Civil  
18 Right Commission conference on the media.

19 I really won't say anything more than  
20 that, except I felt a need to get that out of my  
21 system. I hope that anything else I say to you  
22 will not look in your eyes as having a touch of  
23 hypocrisy to it. Certainly, it's not intended to  
24 do that.

25 What I would like to talk to you

1 briefly about is what some might call an  
2 unattractive minority. I think as we all know a  
3 number of groups can be designated and delineated  
4 as minorities whether they be the aged, whether  
5 they be women, or whether they be blacks, Chicanos,  
6 American Indians, whatever.

7 One of the groups that I am particularly  
8 interested in is the group called the developmentally  
9 disabled. I would like to talk briefly about the  
10 role of the media, the role of the media as I have  
11 seen it in the development of legislation that we  
12 have passed this year, and the role that I would  
13 hope they would continue to play in helping us to  
14 carry out the intent of some of that legislation.

15 As you probably well know, the  
16 state of our state institutions has been very  
17 much in the focus of the minds of Montanans. I  
18 believe this is good, and I believe that the media,  
19 both the press and the electronic media, has  
20 played an extremely important role in that process.  
21 It was the media, I believe, who sensitized  
22 Montanans to the conditions at our state  
23 institutions. It was the media, I believe, that  
24 played a great role in setting the stage in  
25 Montana for institutional reform; and it was the



1 media, I believe, who helped to create a milieu,  
2 an environment, for change in that regard.

3 The legislature, I think, has done a  
4 good job. I don't know if it would have done such  
5 a good job if the whole issue of institutional  
6 reform had not been such a pressing issue, and one  
7 of my points to you is that the media helped make  
8 it a pressing issue. The legislature has set the  
9 stage for programs for decentralization, or the  
10 deinstitutionalization is a better word, for  
11 increased funding, increased staff at state  
12 institutions.

13 But one of the most significant pieces  
14 of legislation I would like to share with you for  
15 a minute was Senate Bill 388, which is entitled  
16 An Act to Provide for the Identification,  
17 Habilitation, and Human Rights of the Developmentally  
18 Disabled. Essentially, it is a commitment act and  
19 an act delineating human and civil rights of those  
20 who are institutionalized.

21 To give you a sense of the legislation  
22 let me just read to you the opening paragraph: "This  
23 act is to secure for each person who may be  
24 developmentally disabled such treatment and  
25 habilitation as will be suited to the needs of the

1 person, and to assure that such treatment and  
2 habilitation are skillfully and humanely administered  
3 with full respect for the person's dignity and  
4 personal integrity."

5 The bill goes on to specify a number  
6 of human and civil rights guaranteed to individuals  
7 even though they may be institutionalized in our  
8 state institutions.

9 This, in my opinion, is a landmark  
10 piece of legislation. There is much to be done  
11 yet to implement it's full intent. One of the  
12 provisions of the act is that a person cannot be  
13 institutionalized if there are other alternatives,  
14 and here we are talking about community alternatives.  
15 We all know that the media plays a crucial part  
16 at what is called "image making." The state is  
17 embarking on a program of having residents or former  
18 residents of our state institutions return to their  
19 home communities; and as you and I know, there are  
20 stereotypes for this minority as there are  
21 stereotypes for most other minorities.

22 The contrast was brought home last  
23 night as I was watching TV and thinking about what  
24 I was going to say to you today. At one point in  
25 the television show one of the characters in



1 conversation with another character said, "What  
2 do you think I am, a mental deficient?" That I  
3 would say is a stereotype. A little bit later on  
4 a public service ad a gentleman was sitting in a  
5 chair in a home. He had been institutionalized;  
6 he was now living in a group home; and he said, in  
7 his last remarks, he said, "I have a job. I am a  
8 happy person." There is a vast difference between  
9 seeing someone as a mental deficient and someone  
10 as a happy person.

11 I would hope and I would ask that the  
12 media continue to help in educating and sensitizing  
13 the people of Montana to the image and role of this  
14 minority. I think the state has come a long way,  
15 and I think you, the media, have played an  
16 important role. I would ask you to continue to do  
17 that, to help us educate the people of Montana as  
18 the developmentally disabled return from our  
19 state insitutions and become an integral part of  
20 our community.

21 With that, in legislative language,  
22 I will close; and I hope you will have a fruitful  
23 day. Thank you.

24 (Applause.)

25 MS. PETERSON: And now, President

1 Richard C. Bowers of the University of Montana.  
2 President Bowers.

3 MR. BOWERS (Missoula, Montana): Chairperson  
4 Peterson, Representative Dussault, I am very happy  
5 on behalf of the University to welcome all of you  
6 to the campus and to this conference.

7 I think, Representative Dussault, I  
8 should remark that I have been very happy for you  
9 to have brought this important group of people to  
10 this conference's attention. I think that this is  
11 a group that we do have very much of a need to  
12 start including in our thinking about minorities.

13 I think that perhaps two of the most  
14 important institutions in the country in which we  
15 can raise the consciousness of people to the  
16 problems attendant upon insuring the rights of  
17 minorities and women are, in fact, the educational  
18 institutions of the country and the media; so it is  
19 very, I think, proficuous that this conference is  
20 being held on a university campus.

21 We in higher education have been  
22 struggling with the problem of insuring that rights  
23 of minorities and women are protected for a number  
24 of years; and we know, I think, that passage of laws  
25 and developing guidelines although very important

1 are just a start of implementing these kinds of  
2 things; because all of us have to change our thinking  
3 on a day-by-day basis as we proceed in hirings, as  
4 we talk about events that have occurred, and as we  
5 do the daily tasks that we have to do. This is  
6 where, I think, the implementation of the rights  
7 legislation is going to have to come; and from  
8 experience in this area, it's a long job; it's  
9 an arduous job and one which we have to give  
10 attention to on a minute-to-minute basis. We are  
11 prejudiced in the way that we think, and we have  
12 to keep trying to overcome that continually.

13 We are happy to have this group here.  
14 Certainly, the university thinks it's a most  
15 worthwhile kind of conference. We wish you success,  
16 and if there is anything the university can do for  
17 you while you are here, please call us.

18 Thank you very much.

19 (Applause.)

20 MS. PETERSON: And this is Norma Jones,  
21 equal opportunity specialist with the U.S. Commission  
22 on Civil Rights.

23 She will talk to you about overview of  
24 the media: It's effects on minorities and women.

25 Norma.



1 MS. JONES (Denver, Colorado): Thank you,  
2 Helen.

3 Madame Chairperson, members of the  
4 Montana Advisory Committee and guests: The theme  
5 of this conference is the media and its effects on  
6 minorities and women. While the television and  
7 newspaper industries affect minorities and women  
8 in many ways, we will focus today on two aspects:  
9 television and newspaper employment and images  
10 projected by the media.

11 The federal government, through the  
12 Federal Communications Commission and the  
13 Equal Employment Opportunity Commission, recognizes  
14 the need for equal employment opportunities. In  
15 this regard, the FCC for the past four years has  
16 collected annual employment data from television  
17 stations in every state. On the national level,  
18 reports filed by over 600 commercial stations show  
19 that 12 per cent of the 41,000 full-time workers in  
20 1974 were minority group members. In 1971, the  
21 first year of reporting, the proportion of minority  
22 employees was 8 per cent; in 1973, 11 per cent.  
23 Similarly, the proportion of women employed full time  
24 at commercial stations has increased slowly from  
25 22 per cent in 1971 to 23 per cent in 1973 to 24

1 per cent in 1974. On the national scale, these  
2 statistics are encouraging. In addition, the  
3 FCC reports revealed that there were increases in  
4 the full-time employment of minority group members  
5 and women in the upper four job categories. Now,  
6 these categories are officials and managers,  
7 professionals, technicians and sales workers. In  
8 these upper four categories, minorities gained most  
9 jobs among professional and technicians while women  
10 achieved their greatest increases among officials  
11 and managers and professional jobs.

12 These are positive changes which have  
13 taken place on a national level, but these positive  
14 changes are not taking place at all stations.  
15 Among the 647 commercial television stations for  
16 which the Annual Employment Reports were compiled  
17 in 1974, 131 stations or 20 per cent reported no  
18 minority group members on their full-time staff; and  
19 six of these stations are located in Montana; and  
20 there are 11 commercial stations in Montana. The  
21 1974 FCC review showed that 175 or 27 per cent had  
22 no minorities in the upper four job categories,  
23 and seven of these stations are in Montana.

24 The 1974 FCC report revealed that there  
25 were six stations with no women on their full-time

1 staff and 70 or 11 per cent with no women in the  
2 top four job categories. None of these is in  
3 Montana. Fifty-one stations or 8 per cent had no  
4 women and no minority group members in their top  
5 four job categories, and none of these is in Montana.  
6 A closer look, though, at the 11 commercial stations  
7 in Montana reveals that there are two women  
8 television news reporters in the state while there  
9 are 25 male news reporters. There are no women  
10 news anchorpersons in the state, but there are  
11 approximately ten male anchorpersons. There are two  
12 women talk show moderators compared with approximately  
13 seven male talk show moderators. There are no  
14 women vice-presidents or general managers of  
15 TV stations. There are 11 male general managers.  
16 There are four women in official and manager  
17 positions but more than seven times that number of  
18 males in the same category.

19 In Montana, according to statistics from  
20 the Bureau of the Census and the U.S. Department of  
21 Labor, 37 per cent of all workers in the labor  
22 force are women. Yet, women hold proportionately  
23 fewer of the more prestigious professional and  
24 managerial positions. According to the 1970  
25 Bureau of the Census figures, there are 694,400



1 people in Montana of which 37,250 or 5.4 per cent  
2 are minority. Native Americans make up the  
3 overwhelming majority of these minority groups,  
4 70 per cent, followed by Spanish surnamed 21 per cent,  
5 blacks 5 per cent and Asian-Americans 3 per cent.

6 At local television stations in the  
7 state, there are no minorities occupying on-camera  
8 positions. This includes news commentators, talk  
9 show and public affairs program moderators.

10 Statistics compiled in 1974 show that there are no  
11 minorities occupying decision-making positions in  
12 the official or manager positions at any of the  
13 TV stations in Montana. There also are no minority  
14 camera operators, technicians, directors, or  
15 TV producers.

16 Of the major dailies in the state,  
17 women hold such positions as copy reader, education  
18 reporter, health reporter, city-government reporter,  
19 and women's editor. There are no women in top  
20 management positions and no women publishers. The  
21 great majority of the clerical positions held at  
22 newspapers are occupied by women. On the five  
23 major dailies, according to our statistics, there  
24 are no minority publishers, editors, or news  
25 reporters. It appears that in Montana women and

1 minorities in the media are either underemployed or  
2 nonexistent. In short, it could go without saying  
3 -- but it won't here -- that minority women are even  
4 much less represented.

5 The second major focus of this  
6 conference is imagery. Imagery is an important  
7 concept because false and misleading imagery may  
8 mean the representation of minorities and women in  
9 derogatory terms, stereotypes, or misconceptions.  
10 But perhaps, more important, stereotyped notions  
11 concerning these two groups may well reinforce or  
12 even instill in the public mind false beliefs about  
13 the status of the groups.

14 The broadcast and the written media  
15 have become powerful transmitters of cultural  
16 standards in myths, in values, in roles, and in  
17 images. Over 90 per cent of the American households  
18 have at least one television and more than 95 per  
19 cent of the American households receive a daily  
20 newspaper. In this regard, the shaping of images,  
21 the conveying of messages should have input from all  
22 peoples and not be confined to one group.

23 The question which arises after all the  
24 statistics and the numbers and the facts and the  
25 figures have been reviewed and looked at and recorded

1 and explained is how can Native Americans and other  
2 minority groups and women transmit messages and  
3 shape images about themselves unless they hold  
4 decision-making positions in the media?

5 This is what this conference on the  
6 media is all about. Today, this committee will  
7 hear panel discussions and workshop sessions which  
8 will cover the complex factors involved in the  
9 media and its effects on minorities and women.

10 Thank you.

11 (Applause.)

12 MS. PETERSON: We are now going to hear  
13 about the media and civil rights, and our speaker  
14 is Eileen Siedman, Deputy Director of the  
15 Mid-Atlantic Office of the U.S. Commission on  
16 Civil Rights.

17 Ms. Siedman.

18 MS. SIEDMAN (Washington, D.C.): Good morning,  
19 and thank you for asking me here today.

20 I have a special interest in this  
21 conference because two years ago when I was first  
22 employed by the U.S. Commission on Civil Rights,  
23 I was asked to design media studies for the  
24 Commission; and this conference is one of the  
25 outgrowths of that design. I sat here this morning



1 listening to ideas that have been developed over  
2 a period of time in concert with state advisory  
3 committees, including Montanans, all over the  
4 country. I want you to know that this is the first  
5 of the state advisory committees that is holding  
6 a media event in an attempt to collect information  
7 about the media and civil rights. Pennsylvania  
8 will do it next, and I am very pleased that the  
9 Denver Regional Office and Montana State Advisory  
10 Committee are leading the way.

11 Just to start off, the definition of  
12 civil rights for me means that no member of a group  
13 shall be deprived of his civil rights because he  
14 or she is a member of that group. That certainly  
15 would take in people who are physically or mentally  
16 handicapped. It includes minorities; it includes  
17 ethnics; it includes members of either sex; and I'd  
18 like that to be kept in mind, because we talk about  
19 the media and civil rights today. It also means that  
20 the media themselves not to be discriminated against  
21 because they are members of that group that we call  
22 media.

23 Some of the words that we use are the  
24 right not to be defamed, misrepresented, degraded,  
25 falsely presented; and this presents a lot of problems

1 because we are dealing with perceptions and beliefs  
2 of groups and members of groups.

3 One of the major overall problems is  
4 that we all of us have a sense of what we accept  
5 as alleged inherent group characteristics: All  
6 Jews are a certain way, look a certain way, behave  
7 a certain way, think a certain way. Native  
8 American Indians are thus and so. Blacks, the  
9 same thing, women, men. I think if men would think  
10 about women's reaction to being called girls or  
11 having to be small and dainty in the context of  
12 all men having to be over six feet tall, playing  
13 football, they might better understand how women  
14 resent or are offended by being presented in a  
15 single dimension; and I think that's what we are  
16 talking about today.

17 The plurality of the society we live in,  
18 the fact that not only do we have many groups but  
19 that we have many dimensions within each group; and  
20 there are many dimensions to each of us as  
21 individuals; and one of the things I think we're  
22 asking for in the presentation of images and  
23 representation of us as individuals, as members of  
24 groups, is that we be displayed in all of our  
25 dimensions.

1           One of the dilemmas of media is: How  
2 do you do it? One of the reasons the Civil Rights  
3 Commission didn't get into the problem of  
4 investigation of the media for many years was  
5 because it was difficult to get a handle on it.  
6 We're concerned about First Amendment Rights; we're  
7 concerned about problems of censorship. How do you  
8 not get into a case-by-case, group-by-group attempt  
9 to censor or try to tell the media what they should  
10 print and what they should present; and at the same  
11 time, protect the civil rights of persons who may,  
12 in fact, be defamed or degraded or misrepresented?  
13 I think that's what I would like to see come out  
14 of this conference today as well, some kind of  
15 discussion of that problem, an analysis of it, and  
16 a way to grab it.

17           Some of us who have been thinking  
18 about this for a long time feel that we have to  
19 look for patterns. We have to look for a broad  
20 pattern of presentation of a given station over a  
21 period of time, or a given community, or a state.  
22 The statistics we heard this morning from Norma  
23 I think were terribly important, but I would like  
24 to say that they are not even as good as she  
25 presented. Certainly, Montana is not very well off.



1 But we seriously challenge the FCC's statistics  
2 themselves, because they are collected on forms  
3 which are irrelevant to the broadcasting media.  
4 Broadcasting media use an Equal Employment Opportunity  
5 Commission form which was never designed to be used  
6 by the broadcasting media or indeed any other  
7 single industry; and there is no way for a  
8 station manager, without a great deal of  
9 interpretation, to transfer the actual titles and  
10 roles and positions of the employees on that  
11 station's staff to that EEOC form and provide an  
12 accurate, correct portrayal of the positions and  
13 the roles that people play. There have been  
14 accusations not only that it is difficult to do  
15 even if you are well intentioned; but that in fact,  
16 in order to look good and not be investigated there  
17 has been a lot of hanky-panky on the part of many  
18 stations who call, for example, lower level clerical  
19 staff administrators and managers because it looks  
20 better in producing numbers of women and minorities.  
21 These are charges which are being investigated and  
22 which are being challenged, that is, the challenges  
23 are being made by members of groups to the FCC; and  
24 there are many court suits around the country on  
25 this.

1 I think another problem is asking: Do  
2 the mass media serve the interests of minorities,  
3 ethnics and women? And incidentally, I include  
4 ethnics, because we have in our mandate of the  
5 Civil Rights Commission the responsibility for seeing  
6 to it that civil rights are protected for persons  
7 who are members of groups based on race, religion,  
8 national origin, and sex. And I hope someday we  
9 will go even beyond that into age and some other  
10 categories.

11 You see, the melting pot theory has  
12 been discredited; and it never was more than a  
13 theory anyway. What we are really talking about  
14 here is the fact that in a democracy we are all  
15 different and that the media has to learn that  
16 we are all different and that these differences  
17 are not bad, they are just differences, and we share  
18 them. So, I think what we are asking the media  
19 to do is to reflect us in this country as we  
20 really are, not as some myth says that we are,  
21 which is that we all talk alike, think alike,  
22 act alike, and behave alike.

23 I am not going to take any more of your  
24 time now except to indicate that there is a great  
25 deal of activity going on all around the country on

1 the part of many special interest groups, and they  
2 are achieving great success in challenging license  
3 and attempting to own stations, to look at  
4 newspapers and change the way in which we are all  
5 presented.

6 I would like to close with this note:  
7 That the system is people; there is no mindless  
8 system. The FCC is people, commissioners and  
9 staff, just as the Civil Rights Commission is. We  
10 are people sitting in this room; people make  
11 decisions; people change those decisions; and I  
12 think that working together with the media, we  
13 can find a way to achieve civil rights.

14 Thank you for asking me to come.

15 (Applause.)

16 MS. PETERSON: And now here is a gentleman  
17 who can respond to that challenge about the FCC  
18 statistics. Mr. Lionel Monagas, who is from  
19 the office of the General Counsel of the Federal  
20 Communications Commission.

21 Mr. Monagas will stay at the speaker's  
22 podium to answer your questions after he finishes  
23 speaking.

24 Mr. Monagas.

25 MR. MONAGAS (Washington, D.C.): Thank you

1 very much.

2 I have a couple speeches here, but they  
3 have all been blown already in terms of the  
4 statistics that I could talk about; but there is  
5 a further thing that we can go into as far as the  
6 statistics that have been alluded to by Ms. Siedman  
7 here. We wonder about the meaning behind those  
8 statistics, too; because of the inadequacy of the  
9 form. I agree with that 100 per cent; but I think  
10 what I had better do is to maybe elucidate a little  
11 bit on what the FCC is and my particular function  
12 in the FCC as it relates to what we are here to  
13 discuss today.

14 My work in the FCC is as the chief of  
15 the Industry Equal Employment Opportunity Unit in  
16 the office of the general counsel, a unit that  
17 was created about two years ago to study the  
18 Commission's policy and rules in the entire area  
19 of equal employment opportunity; and then to make  
20 recommendation to the Commission in regard to their  
21 policy and their rules and regulations for improvement.  
22 We have a set of extensive materials that will be  
23 going to the Commission sometime this month when  
24 they get through running around with all the  
25 industry conventions.

1 Right now, we have just left Las Vegas  
2 with the National Broadcasters Association  
3 convention. The other people now are in New Orleans,  
4 going down to New Orleans for the National Cable  
5 TV Association Convention next week. Then they will  
6 come back to Washington and get back to the business,  
7 and one of the key business items that they are  
8 going to have to deal with is our recommendations  
9 in the area of their policy and their rules and  
10 regulations in regard to equal employment opportunity.  
11 Let me go back a minute and then I'll  
12 come back to this point. Let me talk about the  
13 FCC itself in terms of its structure. The  
14 Federal Communications Commission is a constitutionally  
15 and congressionally designed body that has been  
16 given the authority to promulgate policy and rules  
17 relating to the licensing of broadcasting entities,  
18 television industries, and common carriage to  
19 serve in the public interest. Part of that  
20 requirement is that the Commission about five years  
21 ago looked into its policies and its laws and  
22 decided that it had the authority to create rules  
23 that would effect equal employment opportunity  
24 within the industry in conjunction with the national  
25 policy in that area, and not be in violation of any



1 constitutional law or duplicate the effort of  
2 public agencies.

3           The Commission decided that it did have  
4 the right to investigate a potential licensee or  
5 a current licensee to determine if that licensee  
6 was serving the public interest by having practices  
7 and policies of nondiscrimination in existence and  
8 be held to compliance in those areas. The  
9 Commission has done that, has promulgated rules  
10 for all of the various entities that it licenses.  
11 Your particular interest here I suspect is broadcasting  
12 and not common carriage, telephone companies and  
13 telegraph company satellites, et cetera. Perhaps  
14 you also have an interest in the cable industry  
15 as well, so I will address that issue, too.

16           Now, the Commission is composed of  
17 seven Commissioners nominated by the President  
18 of the United States and confirmed by the Senate.  
19 The only place that we as individuals can have  
20 any effect or influence in relationship to who is  
21 appointed a Commissioner is certainly trying to  
22 make our voice heard in the White House when it  
23 considers nominations for vacancies; and certainly,  
24 in the Senate when it holds hearings on confirmation  
25 of that individual. The Commission itself has no

1 role to play at all in the selection of one of the  
2 seven voting Commissioners. The rest of the staff  
3 is Civil Service staff.

4 In terms of influencing Commission  
5 practices, Commission policy, individuals or the  
6 public or groups may deal directly with the Commission  
7 to express their viewpoint in regard to where they  
8 believe the Commission should be going in relationship  
9 to all kinds of areas, programming, equal employment  
10 opportunity, new frequencies, licensing procedures,  
11 and all of those kinds of things. So, you can  
12 deal directly with the Commission and not have to  
13 go through any other route.

14 In dealing with the Commission, you can  
15 deal with anyone in the Commission, including the  
16 Commissioners. It is an open door activity there  
17 within the Commission. What they do with it is  
18 something else; you can make your own judgments on  
19 that basis; but certainly, you have the right and  
20 the opportunity to make your views known to the  
21 Commission or to any of the staff members in regard  
22 to particular areas of concern.

23 In terms of activity where the public  
24 may join in as regards to the activities of a  
25 licensee, be it in programming or equal employment

1 opportunity, there are quite a few routes.

2           Number one, the Commission licenses in  
3 the public interest a broadcasting entity for a  
4 period of three years, that's constitutional. Near  
5 the end of that three-year period a current license  
6 holder is required to come back to the Commission  
7 and justify to the Commission that it has served in  
8 the public interest for the past three years, and  
9 put out a set of proposals in front of the Commission  
10 stating that it intends to do this for the next  
11 three-year period in the public interest as it  
12 applies for a renewal of its license so that the  
13 Commission can then make a determination as to  
14 whether the licensee has served in the public  
15 interest and will continue to serve in the public  
16 interest.

17           It is at this point, license renewal,  
18 where the public recently have come into the  
19 picture quite a bit in challenging the past  
20 practices of the licensee in regard to many  
21 areas, particularly in the area of discrimination  
22 in programming for minorities and discriminating  
23 in employment for minorities and women. There  
24 have been a few successful challenges in terms  
25 of the Commission's decision or court decision,

1 but perhaps not enough. But, the public at this  
2 point is entitled, has the right to enter and make  
3 its voice heard in regard to whether a license  
4 should be renewed or not. There is a formal  
5 procedure that is required called petition to deny,  
6 and this petition to deny has to be considered  
7 by the Federal Communications Commission as it  
8 looks over the renewal application of its licensee.

9 Now, that's not the only point in  
10 the three-year period in which the public is  
11 entitled to enter into the Commission's consideration  
12 of a licensee's activities, particularly as we  
13 get down to individual charges of discrimination  
14 or discriminatory practices. And in point, at  
15 any time such occurs or is felt to occur on the  
16 part of an individual, that individual has the  
17 right at that point in time to file such a charge  
18 of discrimination or discriminatory practices with  
19 the Federal Communications Commission, as well as  
20 filing with state or local human rights agencies  
21 and filing with the Equal Employment Opportunity  
22 Commission.

23 Now, there is a slight difference in  
24 what occurs in regards to the Federal Communications  
25 Commission's overview of a complaint. The complaint

1 is looked at from the point of view as to whether  
2 the licensee has violated the Commission's rules  
3 against discrimination; therefore, conceivably making  
4 that licensee unqualified to continue to be a  
5 licensee. It's a violation of the Commission's rules.  
6 What I'm saying there is that your rights as an  
7 individual cannot be protected by the FCC in terms  
8 of any reinstatement, in terms of any back pay,  
9 or anything like that. That's why it's absolutely  
10 necessary if one has a complaint of discrimination  
11 that they file it with the state local human  
12 rights agency and the EEOC. Give us a crack at  
13 it so that we can look at it from the point of  
14 view whether that licensee is qualified to serve  
15 in the public interest by the virtue of having  
16 violated the Commission rule against discrimination.

17 Let me say at this point, talking about  
18 broadcasting licenses, in terms of cable operation,  
19 such a procedure does not exist at the moment;  
20 because the cable franchises or certificates of  
21 compliance that are issued by the Federal  
22 Communications Commission are not subject to this  
23 triangle of review, this three-year review; but  
24 all broadcast licenses are no matter whether they  
25 are commercial, noncommercial, AM-FM, TV. All of



1    them are subject to this three-year review, and  
2    not so in cable. The cable operation is first  
3    granted by the local municipal government.  
4    Meanwhile, the requirement of that local municipal  
5    government for a cable operation within that  
6    community. The cable applicant then has to come  
7    to the Federal Communications Commission for a  
8    certificate of compliance indicating that he has  
9    complied with all of the local rules and  
10   requirements for franchising activity and in  
11   meeting technical standards as well.

12               Once the Commission grants that  
13   certificate of compliance, they usually grant it  
14   for a fairly long period of time in concurrence  
15   with the local franchise tenure of 15 years,  
16   something like that. There is no triangle  
17   review where you could get to the cable system  
18   that is discriminating in programming or  
19   employment, but there is a method of a petition  
20   for relief within the Cable Television Bureau where  
21   discrimination that has been alleged can be  
22   adjudicated under this petition for relief on the  
23   part of an individual or a group representing  
24   that individual.

25               Now, in terms of the statistics that

1 were spoken about a little earlier, one of the  
2 things that my office will be recommending to the  
3 Commission once we get certain recommendations out  
4 of the way first, is the complete revision of that  
5 horrible reporting form 395, which gives us  
6 nothing but gross information in terms of numbers.  
7 We have a great deal of difficulty interpreting,  
8 and it certainly is of very little value to anyone  
9 else who wants to use those statistics to determine  
10 accuracy in employment and job responsibility and  
11 levels of employment and meanings of job titles  
12 and job descriptions. That's one of the things  
13 that will take place, and we will make a recommendation  
14 based upon a lot of information submitted to us by  
15 various organizations and individuals who have  
16 concern about how the form should be designed.

17           The initial package that we are  
18 presenting to the Commission this month will deal  
19 with a whole new set of guidelines that we are  
20 recommending that the Commission adopt for a licensee  
21 to follow to assure that he has affirmatively acted,  
22 that he demonstrates that he is doing affirmative  
23 action. One of the weaknesses right now, I think,  
24 in the rules is that there is no demonstration of  
25 affirmative action on the part of a licensee, no

1 requirement to demonstrate, to show, to prove. He  
2 just may make a statement that he has an affirmative  
3 action plan. That is quite sufficient for the  
4 Commission at the moment.

5 Now, I could go on probably to quite  
6 a few other things that I don't want to take your  
7 time with here, not your time. I hope we get into  
8 a lot of questioning this afternoon and in all  
9 kinds of areas as programming affects images. I  
10 must say to you that the Commission is in no way  
11 capable of dictating programming or programming  
12 content. It is just unlawful for the Commission  
13 to do so under the First Amendment of the  
14 Constitution. It cannot say that you must do  
15 this programming; you must do that programming;  
16 and you must have that format; and it must be on  
17 at this time; but there are other ways to address  
18 that as the Commission has done recently in a  
19 couple things like family viewing, children's  
20 television changes. There are accusations going  
21 around that the Commission is now getting too much  
22 into programming determination, but that remains  
23 to be seen. I'm sure the court will make some  
24 decision on that at some point in the future.

25 Let's get to questions you might have

1 at this point in time, and let me turn this back  
2 over to the Chairperson.

3 Thank you for your attention.

4 (Applause.)

5 MS. PETERSON: Thank you, Mr. Monagas.

6 Do any members of the Montana Advisory  
7 Committee have any questions?

8 (No response.)

9 MS. PETERSON: I believe I would like to ask  
10 you one.


11 How many times have licenses been  
12 denied for reasons connected with discrimination?

13 MR. MONAGAS: Did you all hear the question:  
14 How many times has the Commission denied licenses  
15 for reasons of discrimination?

16 There have been two very major cases  
17 of license denial. Well, one case, one major  
18 case. The first case was adjudicated in the  
19 courts. The Commission first reviewed the license  
20 after petitions to deny had been entered charging  
21 discrimination in programming and employment, and  
22 the Commission ruled that such had not taken place.  
23 The petitioner then took it to court, and the  
24 court overturned the Commission's ruling. That was  
25 in Jackson, Mississippi, the WLBT case back in 1969,

1 I believe. The station was found, of course, to  
2 have discriminated against the black population  
3 in Jackson, Mississippi, both in terms of programming  
4 and employment opportunity.

5 ~~The~~ The Commission on its own action  
6 recently denied the license application for the  
7 Alabama Educational Television Commission on  
8 charges of discriminating in programming, denial  
9 of programming to the black community in the  
10 State of Alabama, and denial of equal employment  
11 opportunity to blacks and other minority groups  
12 in the State of Alabama.

13 The Commission's record certainly is  
14 not good in the area of having denied licenses  
15 in relationship to charges of discrimination. 

16 That is not to say on a large part that all those  
17 charges of discrimination were valid. Some type  
18 of test will be on the Commission in its ruling.

19 (Audience participant raised his hand.)

20 MS. PETERSON: Would you please come up to  
21 the microphone.

22 MR. MURDOCK (Duluth, Minnesota): My name is  
23 Ray Murdock from Duluth, Minnesota.

24 How does a person -- or rather, since  
25 broadcast licenses are for the public benefit, the



1 public good, issued supposedly for that reason,  
2 why are there not public hearings held whenever a  
3 license is to be renewed? For instance, the  
4 Federal Power Commission holds hearings on licenses,  
5 and why do not local stations, and why does not the  
6 major networks hold hearings so that people can  
7 express their opinions? The burden of proof always  
8 seems to be on the public to have to come forward.

9 MR. MONAGAS: I think I can respond to your  
10 question. One point I'm not clear on in your  
11 question; why doesn't the Federal Communications  
12 Commission not have hearings when there is a  
13 renewal process as well as the licensee?

14 MR. MURDOCK: Why does not the licensee get  
15 a hearing?

16 MR. MONAGAS: All right. Broadcast  
17 licensees, particularly the commercial broadcast  
18 licensees are required to have what is known as a  
19 process of ascertainment of community needs.  
20 Just six months prior to the filing of their  
21 application for renewal, at that point in time,  
22 the licensee is required to go into the community  
23 that he serves and make a determination as to what  
24 the total makeup, demographics, of that community,  
25 and make sure that he interviews a cross section of



1 the community leaders within that community as  
2 well as a representative sampling of the public  
3 within that community to determine what are the  
4 public needs, the public interests.

5 Additionally, after that he is to make  
6 record of this and provide this record to the  
7 Commission along with what he proposes to do in  
8 programming, some programming in relationship to  
9 the needs that he has determined, the needs to be  
10 addressed. He is required to file this material  
11 publicly with the Federal Communications Commission  
12 and put it in his public file available at the  
13 station. He draws up his license renewal package,  
14 submitting what he is going to do for the next  
15 period, and makes that public. This entire  
16 application is put into his public file. In  
17 addition, he is required to make announcements on  
18 the air during all periods of the day so that he  
19 covers all possible listening audiences, that he  
20 has filed an application for renewal and that the  
21 application for renewal is available at the station  
22 to be reviewed by the public and that if there are  
23 any questions about that application, that the  
24 public has a right to appeal to the Commission any  
25 failure that they find within that application.



1                   Now, that is current. In addition to  
2 what is current, there is a policy that the  
3 Commission is trying get across to the public,  
4 particularly, that the public should maintain  
5 constant dialogue with the licensee during his  
6 whole period of license and not wait for the  
7 licensee to come around at that ascertainment period.  
8 There is no hearing process that takes place at  
9 the local level, the station level; but the key,  
10 I think, in terms of hearing is your utilization  
11 of the public file in the station that has all of  
12 the licensee's records in regards to this  
13 application for renewal, exactly what he plans to  
14 do. It has to be a duplicate of what he has sent  
15 to us as well as his ascertainment profile. That  
16 record is available to the public at anytime during  
17 normal working hours, 9:00 to 5:00, without previous  
18 request, without an appointment, and is not to be  
19 denied the public by the licensee for any excuse  
20 at all. That, again, is a violation of the rules.

21                   The file must be made available; the  
22 file must be complete; and there is also in the  
23 television station, particularly, within the  
24 television station the licensee can permit you  
25 to duplicate portions of the file at a minimal



1 duplication cost within the station. He is allowed  
2 to charge you for that at a minimal figure, but  
3 the entire public record is to be made available  
4 to you when you come into the station and ask for  
5 it at anytime during a normal working day, during  
6 the normal working hours; and no excuse is allowed  
7 for the file not being made available.

8 MR. MURDOCK: What about the major networks,  
9 though, ABC or the three commercial --

10 MR. MONAGAS: Networks are not licensed  
11 by the FCC. The FCC has no authority over  
12 networks. The individual stations owned by the  
13 networks go through the procedure that I have  
14 just elucidated on, but the network, the group  
15 as a whole, cannot be touched by the FCC, only  
16 their individual stations.

17 MS. PETERSON: I believe Mr. Board has a  
18 question.

19 MR. BOARD (Great Falls, Montana): Mr. Monagas,  
20 did I understand you to say that the licensee is  
21 the one who conducts the survey of the community?

22 MR. MONAGAS: That is correct.

23 MR. BOARD: My question then is: Is there  
24 any monitoring by the FCC of the licensee in his  
25 -- what I'm trying to say is I think any of us who

1 are given an opportunity of creating a committee  
2 to determine what we want, we can create such a  
3 committee.

4 Now, what monitoring is there to test  
5 whether this is an accurate --

6 MR. MONAGAS: Well, all the materials  
7 submitted by a licensee in regards to his  
8 ascertainment, all of his demographics, all of  
9 his designation of community leaders, people that  
10 he interviews, his random sampling of the  
11 community, is all subject to monitoring by the  
12 Commission. There is monitoring and review of  
13 that material done within the Commission in  
14 Washington to determine if our census tracks  
15 that kind of information that we have on hand, but  
16 that does not preclude the Commission deciding that  
17 it personally wants to go into an area and check  
18 the demographics and other information.

19 MR. BOARD: Does the Commission ever do this?

20 MR. MONAGAS: Yes, oh yes. There have been  
21 many instances where petitions to deny have been  
22 entered finding that the whole ascertainment process  
23 was fraudulent on the part of the licensee, and  
24 the Commission has had to investigate on the basis  
25 of that petition. But it has the right itself on



1 the basis of its own beliefs, its own, perhaps,  
2 suspicions as well as any kind of informal letters,  
3 even unsigned letters that state that there is  
4 something wrong with the application. The  
5 Commission is required to review that whole process.

6 MS. PETERSON: Mrs. Travis?

7 MRS. TRAVIS (Great Falls, Montana): I would  
8 just like to make a statement to Mr. Monagas  
9 concerning the remarks you made about obtaining  
10 information, data, from the TV station. When we  
11 were gathering information for this conference,  
12 I went along with another person to the local  
13 Helena TV station at 10:00 in the morning and  
14 asked for the information, data; and I was told  
15 to come back at 4:00 and they would have it  
16 prepared for us.

17 Now, I realize that this information  
18 was supposed to be made available to us at the  
19 time we requested it. How do you handle a  
20 situation like that, because I was not satisfied  
21 with the answer that the station manager gave us  
22 about having it ready for us at a later time.

23 MR. MONAGAS: There are quite a few ways  
24 to handle that. I would say to you that being as  
25 intelligent as you are, quite a few of you out here,

1 I would suggest that you say to the licensee,  
2 "I would like to see a copy of your rules outlining  
3 what you are required to do in terms of your  
4 public file." In a sense, give him an indication  
5 that you know what you are doing and what you are  
6 about and that he has a rule that he must follow.  
7 That happens to be 1.526, in case any of you want  
8 to put that down. FCC Regulation 1.526.

9 Elucidate on what is the licensee's requirement  
10 in regards to the public file, that would be one  
11 of the processes.

12 You could also say to him, "I don't  
13 think that it's necessary for me to come back. I  
14 think this file should be made available." If you  
15 want to be, you know, a little antagonistic about  
16 it, let him know that you have the right to  
17 notify the Federal Communications Commission that  
18 that file was not made available to you, that he  
19 did ask you to come back and look at it at 4:00,  
20 without giving you a valid reason. If he had said  
21 that another organization is looking at the file  
22 right now, that could be considered some kind of  
23 excuse. But pursue the point with him in terms of  
24 letting him know that you know he has a  
25 responsibility to meet your demands and that your

1 recourse is to notify the Federal Communications  
2 Commission that he has failed to do this.

3 MRS. TRAVIS: Well, I did this. I told him  
4 that I would be in the Legislature at 1:30, the  
5 session starting at 1:30; and he said, "Well, can  
6 you come back at 4:00. I'll have the information  
7 ready for you about 4:00."

8 MR. MONAGAS: Well, you know, there is a  
9 little leeway there possibly with the 1:30  
10 legislative meeting and 4:30, that's possible.

11 MRS. TRAVIS: Well, this was 10:00 in the  
12 morning.

13 MR. MONAGAS: That's a possibility there,  
14 but he should not deny it to you at 10:00 without  
15 at least saying, "Another group is looking at it.  
16 I can't make it available, but as soon as they  
17 are finished, I will." That, perhaps, is wrong  
18 on his part.

19 MS. PETERSON: I believe Mr. Murdock has  
20 another question.

21 MR. MURDOCK: Do I have to come back down  
22 there?

23 MS. PETERSON: I think we can hear you.

24 MR. MURDOCK: What I would like to ask  
25 Mr. Monagas is, I guess, two questions. Maybe the

1 lady there might be able to tell us; I would be  
2 interested to know what are the call letters of the  
3 station that you were visiting so that everybody  
4 here could know.

5 Secondly, Mr. Monagas, is that what  
6 does the FCC do to investigate licensees when they  
7 make their application; because when a group or  
8 -- it's like any agency investigating itself. If  
9 you were to come to me and say fill out an  
10 application and ask the community leaders, because  
11 I know I filled out those community leader reports  
12 before, and the television and radio stations go to  
13 the people that they know that they are going to  
14 get some positive answers from. They are not  
15 going to go to people that they are going to get  
16 a bad image from, and you know that; so what then  
17 does the FCC do to insure that they are in compliance,  
18 other than read the application and say, "Here is  
19 another great station"?

20 MR. MONAGAS: The Commission will review  
21 all of the data submitted in regard to the  
22 ascertainment.

23 MR. MURDOCK: How do you verify it?

24 MR. MONAGAS: Well, we verify it -- one of  
25 the ways we verify it is by our own statistics in

1 terms of the demographic breakdown, pick up a  
2 telephone and call a civil rights agency out in the  
3 community, call some of the people who have been  
4 shown as people who have been interviewed, try  
5 to make our own determination on the demographic  
6 breakdown of the area to make sure that all of the  
7 community leaders conceivable have been interviewed  
8 and not some eliminated because they are not the  
9 nice kind of people to give the kind of answers  
10 the licensee wants.

11 MR. MURDOCK: Is this done every time?

12 MR. MONAGAS: No, no. How could you do it  
13 for over 8,000 applicants? No.

14 MR. MURDOCK: Why don't you?

15 MR. MONAGAS: Or 3,200 reviews a year.

16 Well, No. 1, the federal treasury  
17 won't fund us with that kind of -- 3,200 on-site  
18 interviews a year, you know, in order to go through  
19 all of that; but we do have investigators within  
20 the complaints and compliance division of the  
21 Broadcasting Bureau; and given a complaint, it's  
22 conceivable that the teams would go out to  
23 investigate on site.

24 MR. MURDOCK: But you see, again, it puts  
25 the burden of proof on the public that they have

1 to --

2 MR. MONAGAS: No, no. It puts the burden  
3 on the licensee. The licensee is the one then  
4 questioned about his demographics, but that can  
5 be raised by a complaint from the public.

6 MR. MURDOCK: But the public must first  
7 complain.

8 MR. MONAGAS: That is correct.

9 MR. MURDOCK: How do we insure that we don't  
10 have to continue to complain time and time again?  
11 The FCC is supposed to protect the public airway;  
12 isn't that true?

13 MR. MONAGAS: Oh, sure that's true; but you  
14 also require money and staff to do that, too,  
15 considering over 8,000 licenses with almost  
16 9,000 licensees in the country, with roughly 3,200  
17 of them being reviewed every year for license  
18 renewal. I mean, just look at the logistics and  
19 the money and staff required for that.

20 MR. MURDOCK: How do we get more money?

21 *Ref \** MR. MONAGAS: Congress, you know, going to  
22 Congress, and Congress would increase the allocation  
23 of moneys to the Federal Communications Commission  
24 for specific kinds of efforts. Maybe public effort  
25 at Congressional level.

1 MR. MURDOCK: Thank you.

2 MS. PETERSON: Mr. Bighorn has a question.

3 MR. BIGHORN (Miles City, Montana): I would  
4 like to know if in Billings or in Helena we have  
5 difficulty in terms of not being able to get the  
6 plans and that sort of thing and there is no  
7 involvement, and we contact this Commission here  
8 and sometimes we can't do that much, you know,  
9 and the human rights things they can't do very  
10 much; so maybe we need to know of someone to call  
11 or call someone in Washington, D.C. on the FCC,  
12 then if we have to, who is that person and, you  
13 know, the name and an address, you know?

14 MR. MONAGAS: Well, there are quite a few  
15 I could give you, but me, No. 1. Lionel Monagas,  
16 FCC, 1919 M Street (M as in Mary) Northwest,  
17 Washington, D.C. Area code 202 254-6530.

18 The Complaints and Compliance Division,  
19 Broadcast Bureau, FCC, chief is William Ray.

20 The chief of the Renewal and Transfer  
21 Branch, Broadcast Bureau, FCC, Washington, D.C., his  
22 name is Richard Shiben. That's S-h-i-b-e-n.

23 These would be key people to call in  
24 regards to the whole licensing process, or call  
25 any of the Commissioners if you so desire,



1 chairman on down.

2 Is that the kind of information you  
3 want?

4 MR. BIGHORN: Yes, I was just looking for  
5 someone we can contact that will do something about  
6 it, because we run into situation on this  
7 Commission here that, you know, we really can't  
8 do that much; and so we would like to know we can  
9 refer a problem to someone who will do something  
10 about something. That's the thing.

11 MR. MONAGAS: As a Commission member, I  
12 think you would have to step back into your role  
13 of individual citizen within your community, and  
14 take off your hat as a Commissioner or member of  
15 the committee, rather, and come back as an  
16 individual member of that community.

17 MS. PETERSON: Would you repeat that  
18 address.

19 MRS. TRAVIS: Could you give me the phone  
20 number.

21 MR. MONAGAS: Phone number?

22 MRS. TRAVIS: Yes.

23 MR. MONAGAS: My phone number is area code  
24 202 254-6530.

25 MS. PETERSON: And the address was

1 1919 --

2 MR. MONAGAS: 1919 M Street Northwest,  
3 and the zip code for Washington is 20554; but there  
4 was another question there.

5 MS. REICHERT (Great Falls, Montana): I have  
6 a question, Helen.

7 Mr. Monagas, I have a two-part question.

8 Number one, of the seven-member FCC  
9 Commission are there any women commissioners?

10 MR. MONAGAS: One part of your question,  
11 yes, there is a woman commissioner,  
12 Charlotte Reid, that's R-e-i-d, who has been on  
13 the Commission about four years now.

14 MS. REICHERT: The second part of my  
15 question relates to former chairman, I believe,  
16 who was very vocal. Mr. Minow, I believe, referred  
17 to television as a vast wasteland. The other  
18 Commissioners since then, unless I just haven't  
19 been reading about them, are rather quiet. Is that  
20 a criteria for appointment as a Commissioner?

21 MR. MONAGAS: "Rather quiet" that's  
22 interesting that you say that in terms of  
23 Nick Johnson, who has been on the Commission, you  
24 know, for sometime, just recently finished a term  
25 on the Commission. Certainly, he -- virtually, he

1 was chairman of the Commission. I think he was  
2 heard throughout the land. He certainly was heard  
3 by the industry, the broadcasting and cable  
4 industries.

5 Commissioner Hooks, Benjamin Hooks,  
6 the black Commissioner on the Commission, or the  
7 Commissioner who is black, I should say, you know,  
8 he's been heard throughout the land. I am rather  
9 surprised you haven't heard from the voting members  
10 of the Commission.

11 MS. PETERSON: We have two questions.  
12 Please come up and give your name.

13 MS. BROWN (Bozeman, Montana): My name is  
14 Alanna Brown from M.S.U.

15 I really have two questions. One is  
16 when you talk about the public and especially when  
17 you talk about the two cases in Alabama and  
18 Mississippi, it made me think that it had to be  
19 groups with the kind of funding and backing of  
20 NAACP or something else that really carried the  
21 cases. In other words, I'm curious about how  
22 large the public or what kind of backbone the  
23 public protest must have to carry weight. That's  
24 really my first question, and asking that, I have  
25 forgotten my second. Maybe it will come to me.

1 MR. MONAGAS: Okay. When I say "public,"  
2 this means an individual, one person, within that  
3 community who is a resident of that community  
4 where the broadcasting operation is. That  
5 individual as the individual can receive support  
6 from various kinds of organizations that will  
7 help him out in the legal issue that the  
8 individual wants to raise. The ACLAU, the  
9 NAACP, Citizens Communication Center, a legal  
10 adversary firm in Washington, D.C., other kinds of  
11 organizations like that. The United Church of  
12 Christ office of communications has lent all kinds  
13 of assistance to an individual or group of  
14 individuals who lived in the community where a  
15 broadcast license is that they wish to have that  
16 license examined or challenged. That help is  
17 available.

18 MS. PETERSON: We have time, I think, for  
19 about three more questions and then a short  
20 recess before our panel. Will you please keep  
21 this brief.

22 MS. BROWN: Yes. I'm sorry, I want to  
23 follow up with a second question.

24 When that license is denied, what does  
25 that mean, exactly? That they just have a certain

1 amount of time to comply with specific things you  
2 put out, or are there some kind of financial  
3 charges against the company? I'm confused as to  
4 what you mean by "denial."

5 MR. MONAGAS: Yes. The denial of license  
6 renewal means that the organization or individual  
7 holding that license is found to be unqualified  
8 to continue to be a licensee of that particular  
9 frequency. The Commission may also impose that  
10 due to that disqualification, that organization or  
11 that individual cannot apply for the license; and  
12 therefore, the frequency is up for grabs for any  
13 other organization or group that wants to come in  
14 and apply.

15 In the case Alabama Educational  
16 Broadcasting, the petitioners themselves recommended  
17 to the Commission that the Commission not  
18 disqualify the Alabama Commission that was holding  
19 the license from being an applicant in the future  
20 for a continuation, a brand new applicant for the  
21 license. Now, the Commission can do anything that  
22 will totally disqualify you and take the license  
23 away, disqualify you, take the license away, and  
24 disallow you the opportunity to apply again.

25 MS. PETERSON: The two more questions will

1 be from Ms. Jones and from this gentleman over  
2 here, if you want to go first.

3 MR. SCHWENNESEN (Missoula, Montana):  
4 Don Schwennesen from the Missoulian.

5 I guess I'm curious over this incident  
6 over in Helena. Now, will you consider this a  
7 violation of your rules or a potential violation,  
8 or is that the kind of rule that is for practical  
9 purposes unenforceable by your agency?

10 MR. MONAGAS: It is not an unenforceable  
11 rule by the agency. I don't know the specifics.  
12 I would really have to give it due process in  
13 terms of the specifics to be able to make a judgment  
14 as to whether it's a violation or not. It sounds  
15 like a potential violation.

16 MS. JONES (Denver, Colorado): Mr. Monagas,  
17 I was wondering before you left us if you could  
18 touch briefly on the idea and concept of public  
19 interest programs; and that concerns some wording  
20 on public affairs programming. I see that as a  
21 handle for minorities and women to get into  
22 positions.

23 MR. MONAGAS: Yes, there is a kind of a  
24 Commission requirement that a licensee do public  
25 affairs, public service programming; but again, it

1 is now up to the licensee to make that determination  
2 as to what the public service, public affairs  
3 programming will be. Some of it must be based upon  
4 his ascertainment of community needs and the  
5 programming that he indicated in his application  
6 that he would do to address some of those needs.  
7 Some of the remainder of the time that he allocates  
8 to public affairs, public service can be of any  
9 content, format, and what have you.

10 In his frequent meetings, constant  
11 dialogue with the public, conceivably some program  
12 ideas could come out of the public, that he could  
13 address them as public affairs and public service  
14 programs; but the licensee makes the determination  
15 as to the amount of time in his whole broadcast  
16 period that he's going to devote to news, public  
17 affairs, and public service after approaching the  
18 minimum amount of time.

19 MS. JONES: Let me ask you this: If at some  
20 point in time, say I live in Montana and I go to  
21 a station and I say that I feel that you have not  
22 entered any type of programming, public interest  
23 or otherwise, that has been of interest to me  
24 as a member of the public, is that a ground for  
25 license challenge?



1 MR. MONAGAS: Most assuredly, it is. Your  
2 interpretation of service by the licensee is grounds  
3 for challenge.

4 (Audience participant raised his hand.)

5 MS. PETERSON: Would you please come up and  
6 state your name. This is the last question.

7 MR. MONAGAS: I'll be around all day.

8 MS. REUSS (Helena, Montana): What is the  
9 minimum --

10 MS. PETERSON: Please state your name.

11 MS. REUSS: I'm Patricia Reuss, and I'm  
12 from Helena.

13 MS. PETERSON: Okay, fine.

14 MR. MONAGAS: What did you mean? Minimum  
15 service?

16 MS. REUSS: Yes, how often.

17 MR. MONAGAS: Oh, no, it's usually a  
18 percentage. The Commission looks at a 3 per cent  
19 base as a minimum. Now, a licensee may make  
20 20 per cent of his broadcast time would be devoted  
21 to public service. His problem, the problem he has  
22 with that is -- and I might as well point this out  
23 if there are some licensees in here. If he  
24 indicates that he is going to do a certain amount  
25 of time, 20 per cent we'll say is public affairs

1 and other; and over his license period he finds  
2 that he is not doing that amount of time in his  
3 broadcast activity, he had better amend his  
4 application to show either the reduced or increased  
5 amount; because if he doesn't amend his application  
6 at that point, when he comes up for license  
7 renewal, it's going to show that he promised  
8 20 per cent news and public affairs, but over that  
9 period of time he only did 17 per cent or 12 per cent  
10 news and public affairs, then he is going to be in  
11 a bind to the Commission on this question of  
12 promise versus performance.

13           These are little things you look for  
14 in a license application when you look at it in  
15 the offices there. You look at what he has  
16 promised in terms of his public affairs activities  
17 and find out from his log or monitor the station,  
18 watch it and make notes and see whether he is  
19 coming anywhere near that time.

20           MS. PETERSON: Now, we are going to take  
21 a break of no more than five minutes, partly for  
22 the benefit of the committee and staff; and meanwhile,  
23 will the panel members please come up on the  
24 platform.

25           (Recess taken.)