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CALIFORNIA ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

Open Hearing

OPPORTUNITIES FOR MINORITIES AND WOMEN
IN MOTION PICTURES AND TELEVISION

October 21 & 22, 1976
Los Angeles, California

VOLUME II

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I N D E X

VOLUME III

WITNESS

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1 MORNING SESSION

2 October 22, 1976

3 9:10 a.m.

4
5 (The following session was chaired by Ms. Frankie
6 Gillette)

7
8 THE CHAIR: We will resume the open hearings on the
9 advisory committee, on the opportunities for minorities and
10 women in motion pictures and television, and it is now 9:10
11 on October 22nd, Friday, and at the panel, present panel is
12 Nadine Hata, Blanche Gomez and Helen Bernstein and the
13 chairperson, Herman Sillas.

14 Our first scheduled witness this morning is Fernando
15 Del Rio.

16 Good morning, I wonder, for the record, if you would
17 state your name and position, please, occupation?

18
19
20 MR. FERNANDO DEL RIO

21
22 A (By Mr. Del Rio) My name is Fernando Del Rio, I'm
23 vice president for public affairs at KHT television and I'm
24 also president of the California Association of the Latins
25 in Broadcasting.

1 Q (By the Chair) Do you have a brief statement or do
2 you just care to respond to questions?

3 A No, I'll just respond to questions.

4 Q Briefly, could you state what the goals and functions
5 of the California Association of Latinos in Broadcasting
6 are?

7 A Basically we're a statewide organization of profes-
8 sional individuals, men and women in the radio and tele-
9 vision and associated broadcast industries, composed of
10 people in the major markets, Central Valley, the Bay Area,
11 Sacramento Valley and Los Angeles. Both English and
12 Spanish language broadcasting.

13 Q What are the goals of the association?

14 A The goals are basically to improve the employment
15 status of Chicanos and Latinos in broadcasting and in inde-
16 pendent production. Also in other associated industries,
17 to improve the image of Latinos in the broadcast media and
18 also to address ourselves to the various needs of the com-
19 munity relating to broadcasting.

20 Q When you say needs, do you want to elaborate a little
21 on that?

22 A Well, I think there are, if you take needs there is
23 the issue of delivering services in Spanish in areas where
24 there are, the sources are lacking that if we can address
25 ourselves to those needs and if there are stations that are

1 not working or addressing themselves, broadcasting Spanish
2 language, that we can assist them in working toward deliver-
3 ing news, public affairs, other programs in Spanish, is one.

4 The other is when there are issues of concern such
5 as the undocumented worker, such as affirmative action, or
6 such as political issues, that pertain to the community,
7 that we can address ourselves to those issues via broadcast
8 medium.

9 Q How long has the association been in existence?

10 A We organized approximately two years ago, and have
11 had meetings quarterly, quarterly meetings. We're due to
12 have a meeting in November in San Francisco.

13 Q How long have you been in the industry?

14 A I've been in the industry since September of 1970.
15 At KHFJ television, I've stayed there for the last six years.

16 Q What are your perceptions of opportunities for Latinos
17 in local television since 1970?

18 A Well, beginning in 1970 there was a lot of action
19 by various organizations, LUSTISIA and other groups,
20 Nosotros and other groups, that were advancing. They were
21 advocates and very active. That rose quite a bit and con-
22 tinued until about 1974 or late '73, and there seemed to
23 hit a plateau, it was a plateau of furthering employment
24 in this case. Addressing ourselves to employment, seemed
25 to hit a plateau by '75 there was a distinct, distinct

1 plateau, by late '75 there was a decline and I'd say by
2 '76 now there has been a definite decline.

3 Q Do you attribute that to the lack of pressure of a+
4 these active groups that you mentioned?

5 A I would say if there's one single area that you
6 could it would be the lack of active community-based
7 organizations not placing pressure and not addressing
8 themselves to this.

9 Q And your association that you mentioned, you said
10 was organized a couple years ago, would it -- was the
11 basis of it being organized because of, you saw it being
12 developed as a plateau?

13 A I think that was one, I think there was a void there,
14 there was two factors, one that there was a void from
15 community-based organizations become active, the other
16 was that there were enough people within the industry, like
17 myself and others, both from professional level and what
18 I mean by that, management -- managerial level on the air
19 technicians and other types. There were enough people
20 that we could organize on statewide basis and from within
21 those of us that were in the industry we could further that
22 within our own organization and station and we do work for
23 those organizations and we do try to present the best image
24 possible as members for various broadcasters and we felt
25 that we could do both at that time.

1 Q Now, you mentioned your earlier comments were dealing
2 with employment, what about training for minorities in, say
3 in the early '70's as opposed to now?

4 A There were some efforts that I know that Southern
5 California Broadcasters Association, along with some minority
6 people within the industry and also nonminority management
7 level people that had attempted to develop the training,
8 basic training program they thought was very good. It
9 was one of the best proposals that I had seen because it
10 came from the industry but it was directed toward minorities
11 and it had the sanction, I'm sure, of the Southern California
12 Broadcasters Association, that is staff as they organized
13 it, and also some broadcasters.

14 I think the problem was that not enough stations,
15 they failed, the stations failed to join in the total effort
16 because it would have taken almost a total effort of each
17 station to participate because of the cost.

18 Q When was that plan proposed?

19 A I believe that was in '73, if I recollect, about three
20 years ago or early '74, late '73 or early '74.

21 Q Is there anything in the industry existing now,
22 similar to that?

23 A To my knowledge, in the broadcast industry, I don't
24 know of anything, to my knowledge, there are independent,
25 I can say there are independent programs, our own station,

1 we did train, we did have a training program in which we
2 worked with the unions at training people who are now pro-
3 fessionals, they're engineers, the

4 There is the only other programs that I know of are
5 the internship programs that some of them are quite
6 successful. We take a young students from the local colleges
7 and universities and they come to in -- do their internship
8 at various stations and...many of those people have ad-
9 vanced, that's the only one that I know of.

10 Q Are those programs aimed at minorities or just --

11 A Not necessarily but I know myself, I attempt to get
12 minorities and I've spoken to other people in the stations
13 where there are minority policy-making people, they do attempt
14 to help them out if possible.

15 Q How successful do you think that program has been
16 in terms of recruiting minorities?

17 A I can only speak of about two cases. I know of one
18 young gentleman that came out of Northridge, California
19 State, Northridge, and he was an intern with us, and he is
20 now an engineer at one of the local stations.

21 I imagine there are other programs. As far as the
22 minority, I do know that one case. And that's the only
23 personal case I know of.

24 Q Would you be able to obtain for the committee the
25 total number of interns brought in by the industry and the

1 number of those that are minority, would you be able to obtain
2 that information?

3 A I think it's a matter of calling personnel offices
4 of each station, it wouldn't be too difficult, yes.

5 Q Now, the three major network stations converted to a
6 magazine format for their public affairs programming. When
7 did that occur?

8 A Well, I don't know exactly because I don't work for
9 the stations, all I can remember is that in our association,
10 California Association of Latinos in Broadcasting, that we
11 go into the acronym of CALIB, C-A-L-I-B. We had several
12 meetings at which some individuals without our organization
13 had left those stations and made presentations to us of
14 complaints, basically their complaint was at one time
15 during the day of broadcasting, that is 1970, '71, '72, there
16 was an effort, a very good effort, an excellent effort
17 by the local broadcasters to present specifically oriented
18 minority programs produced, written and all of the other
19 technical aspects of it, mainly by minorities directing
20 themselves toward particular communities.

21 Then, according to the -- to what some of these in-
22 dividuals told me, especially one, he's now in Seattle,
23 who had a very excellent show. In fact, he won an Emmy
24 for it, and that when the -- his complaint was when he went
25 to magazine format or the station went to magazine format

1 he lost control because a producer for the hour segment,
2 they increased the show to an hour, but the producer
3 happened to be nonminority and therefore he had a segment
4 and he had another level of management over him, which
5 could approve or disapprove, I imagine, and he was dis-
6 satisfied, he subsequently left the station or whatever.
7 I don't know what the reason was but he was not there any
8 longer, and when he -- he said when the station went to
9 magazine format he lost control of the directt programming
10 although he still had a segment as producer.

11 Q On these types of programs, you're talking now about
12 the type of program that might be a half-hour program that
13 deals specifically with communities, particular ethnic
14 communities' interests. What about the scheduling, the
15 time that these programs were scheduled?

16 A Well, the -- to my knowledge again, I believe the
17 scheduling has remained somewhat the same. However, I can
18 relate to other scheduling, there has -- it appears to me
19 and I've had complaints and I know my own scheduling has
20 been changed, I had a prime time show for, I don't know how
21 many years, five years, and I'm now scheduled into early
22 morning slot.

23 However, we're picking up another Latino show coming
24 in in a time in its place, it's an entertainment program
25 but they're having complaints of rescheduling in which the

1 scheduling is not at the time that previously there was
2 during --

3 Q Were these shows at any time, you mentioned your
4 show as being one that was scheduled in prime time, but
5 were -- were the shows that we are talking about at any
6 time generally slated for prime time or were they generally
7 in the poorer time?

8 A Well, by poor time I don't know, the -- to my know-
9 ledge between what we consider the prime time program
10 schedules, there were only, I believe only the independent,
11 two or three of the independent stations had those programs
12 to my knowledge.

13 Q Are you aware of any particular problems, unique
14 problems related to Latino women in the media?

15 A Well, again we've had, during the meetings of the
16 California Association of Latinos in Broadcasting where the
17 women have been very active, in fact we've had some of
18 our most active people from the Bay Area and from San Diego,
19 from those, especially those two markets and from the Los
20 Angeles market, very active.

21 The major complaints is that they are brought in as
22 a, you might say a double minority and they didn't want to
23 be considered that, that is their sex being female and their
24 Latina name or surname, and they, many of them that I know,
25 and this goes for both Spanish-English radio and television

and b

1 and broadcasting and English language. I felt that the pay,
2 the pay that they have received, not so much in this market
3 because it's better controlled, but in other markets is
4 miserable.

5 And they do it because they're ambitious, they want
6 to get in the business, they have a desire to work in
7 it and it's very difficult but they're brought in under
8 those circumstances and it's very many complaints that
9 I've heard.

10 Q In other words, they're brought in at a lower salary
11 than someone else doing the same type of job?

12 A It appears to me that some of the complaints I've
13 heard from some of our members have been that, correct.

14 Q Now, you mentioned two things, pertaining to the
15 Latino community, one is you mentioned the language
16 situation and correct me if I'm wrong, but that -- there's
17 a need for communication to that community in a Spanish
18 language.

19 And then the other is the topic of any show, be it
20 in Spanish or in English, that would pertain to that com-
21 munity. Is there any -- has there been any shows in
22 Spanish, to your knowledge, in the major stations?

23 A Do you mean in English language broadcasting?

24 Q In English language broadcasting.

25 A I believe locally KNBC, if I'm not mistaken, is about

1 to commence a major news program, I believe it's the 11:00
2 o'clock news, I'm not sure, perhaps this afternoon when they
3 testify, you can clarify on radio, they're going to simul-
4 cast a Spanish language translation of the English language
5 broadcast, that, I think it's KNBC, I'm not sure, you have
6 to ask them, but I think that is taking place.

7 However, as far as the other stations that are
8 English language broadcasting, I rarely -- the KTLA, I be-
9 lieve, did have a Spanish serial, I'm sorry, novel, they
10 call it Spanish, I think we call them soap operas in
11 English. They had one for a period of time.

12 On my own station, when I was in the news department
13 and was in morning news, I delivered a segment in Spanish,
14 opening segment in Spanish for about a year. But outside
15 of that, I don't know.

16 Q But there are Spanish-speaking radio stations in
17 this area?

18 A Yes, yes.

19 Q And also Spanish-speaking television stations?

20 A That's correct.

21 Q Are there any specific jobs within local television
22 that you see Latinos seriously being excluded?

23 A Well, it's -- I believe the biggest complaint are
24 those in policy-making positions, it seems to be that
25 decisions, of course in any organization, are made at the

1 top by people who have been around for a few years or have
2 been rewarded for being around for several years and that
3 one of the, probably the biggest complaint I heard is the
4 lack of individuals in those policy-making positions.

5 Q You stated you're the vice president of --

6 A For public affairs, correct.

7 Q I see. Is that in a policy-making decision?

8 A It's a staff position, I make policy only in relation
9 to the fact that within the public affairs concept of pro-
10 gramming that I control, I do have.

11 I'm on the editorial board, I'm the affirmative
12 action chairperson, if you might say so in those areas,
13 of course the major policies are made by the vice president
14 and general manager as far as programming, sales and the
15 other departments.

16 But I would say it's more or less like a staff
17 position, with policy in those areas of direct assignment.

18 Q What recommendations would you suggest or make to
19 change that situation?

20 A Well, I think that the only recommendation I would
21 make is that management in the various stations do recog-
22 nize that there are Latinos and other minorities around
23 and when the positions are open, that those positions be
24 available. That's the important thing. It

25 I think that you have to understand in this market of

1 the largest Spanish-speaking area in the United States,
2 and next to Mexico, probably no other major metropolitan
3 area except Guadalajara and Mexico City, has in the western
4 hemisphere as many people of one predominant culture and
5 language and Spanish.

6 We have seven VHF stations, more than any other
7 markets in the United States, more than Chicago, more than
8 New York, and since the affirmative action thrust has been
9 on since 1970, you still don't have an anchor person
10 delivering the news.

11 Yet you have a tremendous market here, it's recog-
12 nized by the industry and by commerce and commercial
13 because the people are purchasers of the product.

14 That, to me, is one example I think of one of the
15 problems.

16 Q That's on-camera, what about off-camera?

17 A Well, there are -- there have been -- there are some
18 individuals, of course, in the industry that I know that
19 are in good positions and have major policy-making, major
20 policy-making except in Spanish language broadcasting, I
21 don't know of any.

22 Q In summary, your testimony is that there was the
23 pressure exerted in '70 for the hiring of minorities in
24 television and radio. Some attempt, or at least persons
25 being hired during '70 and '71, and then kind of hitting a

1 plateau in '73, '75 you said somewhere in there, and now
2 your observation is that there is now a decline?

3 A I say in the total there's, yes, there appears to be
4 a decline.

5 Q From that period of -- that peak of seven --

6 A About '73, '74. '74, correct.

7 Q And do you see any evidence on the part of the
8 studios to try to reverse that trend?

9 A Well, I think that there is always an attempt,
10 an honest attempt by the broadcast people to work toward
11 affirmative action. I feel that it is -- the American
12 Society is -- reacts, is a react society, when there's
13 pressure from a group they move.

14 The latest and the biggest thrust has been for
15 women, women have made quite good advancements and they
16 should. I feel that because the women's movement came in
17 after the thrust of the Blacks and the Chicanos and Asians
18 and whathaveyou, at least for the minorities, that they
19 came in just at the tail end or toward the end of when the
20 -- and I'll speak with Latinos, Latinos began to wane that
21 the thrust went upon women and they made quite good
22 advances. They made excellent advances.

23 There's only so much room, there's only so much room
24 and something has to give, and so I believe it was the women
25 that came in and they are at this point, I believe, making

1 the best impacts and the best inroads into the industry.
2 That is better than anyone else, not good, of course, they're
3 still not good.

4 Q (By Ms. Hata) Mr. Del Rio, you're implying that
5 these are White women, not minority women, are you?

6 A Well, whoever speaks for the women's movement. I
7 haven't seen any major evidence of minority women involved
8 in it, I don't know. Eileen Hernandez may be one.

9 Q (By Ms. Gomez) Mr. Del Rio, you mentioned that you
10 had an independent program, that you had one.

11 A I still have one.

12 Q Oh, you still have it?

13 A Not independent program, I'm staff, I'm part of the
14 staff, I produce.

15 Q In the training area?

16 A Oh, yes, yes, internship programs, training, oh,
17 I'm sorry.

18 Q It's now internship?

19 A I beg your pardon, we did have a training program
20 at my station.

21 Q But you don't have it anymore?

22 A No.

23 Q Do you have anything that will make up for it?

24 A We have an internship program.

25 Q The internship and you feel that that is enough?

1 A It's only sufficient in relation to the -- to the
2 individual who is serious about getting into our industry.
3 The internship programs generally are by young men and women
4 who want to get into the broadcast industry, let's say
5 either in the journalistic aspect or as perhaps talent.

6 The other good paying jobs which are the real good
7 paying jobs, you know, those of us in talent and management
8 we can be here today and gone tomorrow, but those jobs
9 where you have union protection and you have all of the
10 other benefits that go with it as engineers and those,
11 those are the important jobs for really what we need
12 training programs and very few people in the internship
13 programs, you know.

14 Q You stated that when you were in the broadcasting
15 end of it that you broadcasted in Spanish?

16 A I'm still in the broadcasting end of it, I used to
17 be in a program in the morning that was both, it was
18 delivering the news, I was a news person.

19 Q There is no one delivering the news in Spanish, then,
20 as you used to, as a member of the editorial board, do
21 you have any -- enough -- can you make a strong enough
22 recommendation, would it hold? For them to do the same
23 thing you were doing?

24 A Well, that's a matter of philosophy.

25 Q Or do you think it's needed?

1 A In the editorial boards it's a matter of philosophy
2 not a matter of ethnic or other, it's a matter of
3 philosophy, generally, and if management's philosophy be-
4 lieves in a certain issue or a certain concept, they'll
5 go with it, it may pertain to something minority, it may
6 not, it may be economic, it may be political. It may be
7 different but I would say in my case, yes, I do have
8 quite a bit of --

9 Q Do you think it's needed? Do you think that type
10 of broadcasting would be needed, I mean a Spanish or a
11 minority --

12 A Well, if the Spanish language broadcasters can offer
13 that, it should be in those stations that do broadcast
14 directed toward the Spanish language people, yes, that
15 service, I believe, is being provided.

16 It's not necessary, however I feel that the experi-
17 ments that initiates at KNBC, if I'm not -- if it is an
18 experiment, is something that is needed and if it works I
19 think it will be an excellent service to that segment of
20 the population, and likewise that should be for those those
21 who are Mandarin or Cantonese or Korean or other languages.

22 Q In your opinion, what do you attribute the large
23 scale of firing of minorities recently within the local
24 news stations, local TV stations?

25 A Large scale firing, I don't understand.

1 Q Well, there were quite a few people, quite a few
2 people within the industry predominantly minority that
3 were fired from the local TV stations.

4 A I don't know -- all I can say is that there has
5 been a rash of dismissals by some of the stations for a
6 change of program format, change of management, change of
7 whathaveyou. That's one of the problems that we face in
8 our industry, there's really not security at all, less
9 than nothing, it's a very tenuous --

10 Q So you say it was change of management and change
11 of programming?

12 A I believe there was a change of management in one
13 station that certainly indicated that. And that was a
14 clean sweep as far as I -- almost, it's quite drastic.

15 Q (By Ms. Bernstein) Does your station have an
16 affirmative action program?

17 A Yes.

18 Q What were the goals set forth last year and this
19 year, do you know?

20 A Our goals were set for parity of minority employment.
21 We set those in our 1975-76 goals were set, we have attained,
22 I believe, we are above parity for Black employment, we
23 are -- American Indian we are at parity, Asian-American
24 we are at parity, let me tell you, it's not difficult to
25 get a parity for certain groups because they're not so large,

1 so you can hire one or two people and you have an organi-
2 zation that has 160 people, you hired one American Indian,
3 you're reaching parity.

4 If you hire one or two or three or four Asians, you
5 are at parity. And -- but the goals, our goals, we've
6 reached almost the area in which we're still lacking Spanish
7 surnamed, but we've gone, we're up to about 12.5, and we
8 have been adding Spanish language programming.

9 Q If your organization, the one that you are president
10 of, were to evaluate the affirmative action program for
11 your station, would you approve of the goals that were set
12 for minorities by your station?

13 A I would approve it, they probably wouldn't like it
14 because we still haven't reached action, because most all
15 of our people are Latinos, we haven't reached our goal.
16 they wouldn't be happy with it.

17 Q But the goal was all right?

18 A Oh, yes, the goal, yes. The goal. We set it out and
19 we established it and we committed it and that was our goal
20 and we're working toward it.

21 Q How is the program monitored to see if the goals are
22 really being reached?

23 A Basically I'm -- by whom?

24 Q That's what I'm asking.

25 A Well, it's monitored by the commission, the Federal

1 Communications Commission, they really don't monitor directly
2 but they certainly ask us to commit the -- every -- we have
3 to send in quarterly reports on our form 395's and they
4 have to goal and the effort is being made. And there is
5 clear, distinct desire by the broadcaster to do something,
6 I think that's what they expect him to do.

7 Q Do you know if the FCC has ever reprimanded anyone
8 in any way for not reaching the goals set by them?

9 A No, unless there's blatant, no, I don't know of any.

10 Q (By Ms. Hata) Mr. Del Rio, you were very vague in
11 terms of specifying the policy-making positions that you
12 thought were important for minorities.

13 Would you be more specific in terms of which jobs
14 you think are crucial about there being some minority
15 representation? Are you speaking of jobs such as --

16 A Well, I was speaking of jobs such as news director,
17 would certainly be an area in which someone would want to
18 be, it's a policy-making area, program director of the
19 station is certainly a policy-making area. Naturally
20 a general manager of a station would be one. Those depart-
21 ments.

22 Q Yesterday we heard some groups tell us that they
23 were now being given access to key people within the industry,
24 the motion picture industry, for example, president and
25 some of the key persons in that, at that level.

1 Do you see that as a sufficient means whereby minorities
2 can express their concerns, do you think these groups are
3 getting through at the level where it really helps?

4 A It's difficult to determine, I think, based on the
5 -- on the people in our organization, and we meet every
6 three months and we also have communications with them,
7 there's still the same complaints I've heard since we've
8 organized so apparently --

9 Q So, based on your organization and the complaints
10 that you have heard, is this then a mere token effort on
11 the part of the industry?

12 A I would say that there are some stations that are
13 making honest, aggressive and progressive efforts, no doubt,
14 and they've exhibited and they are exhibiting.

15 I would say that there's probably others that are not,
16 that they're as you put it in terms you say there could be
17 token efforts.

18 Q Can you identify those that are not?

19 A It would be difficult for me in my position to say
20 that, if you want me to have a job Monday.

21 MS. HATA: Thank you.

22 THE CHAIR: Any other questions from the panel?

23 Thanks very much, Mr. Del Rio, for your testimony
24 this morning.

25 Our next scheduled witness is Sumi Haru.

1 Let the record also reflect now that also present
2 on the panel is Helen Davis McCullough and Frankie Jacobs
3 Gillette.

4 Okay, Ms. Haru, would you state your name and
5 occupation, please?

6
7
8 MS. SUMI HARU

9
10 A. (By Ms. Haru) Sumi Haru, I'm a producer, moderator
11 for television and also an actor.

12 Q. (By the Chair) Now, what has been your experience
13 with program time and budgets for the public affair
14 programs?

15 A. Usually, at -- within the past few years we've had
16 -- called the program time ghetto hours. They are usually
17 at very strange times when people of minority communities
18 are usually working, or are asleep. Within the media, the
19 ABC, KNXT and KNBC, they're doing a little bit better than
20 the independent stations are and also in terms of budget.

21 Part of this is because they have gone to the
22 magazine format and they have put the shows when they had
23 a Black a Chicano or an Asian show, all into one and com-
24 bined budget. It think that made it a little easier, they're
25 able now to bring out a film crew. And to spend a little

1 more time in putting things together that might be more
2 interesting for the public?

3 Q All right, but the time, the time slots have they
4 changed any? You mentioned bringing together but --

5 A I don't know whether you can call it bad or good,
6 if Saturday afternoon is a good time for public affairs,
7 I don't know. But that's when KNBC has a public affairs
8 show. KABC has a public affairs show, which is on Saturday
9 night at 7:00 p.m., possibly there would be more viewers
10 at that time, rather than at 7:00 in the morning as the
11 other stations have.

12 Q Doesn't the station have a reading in terms of when
13 most people are watching television? Don't they have that?

14 A Well, we all know that the time that people watch
15 television is prime time, and when you're talking about
16 an O and O they're going to put on their MASH kind of
17 productions, your TV series.

18 Q For the record, would you define the hours of prime
19 time?

20 A I believe it's 8:00 o'clock to 11:00 o'clock, and
21 that's when you see your network series on television and
22 that's when you have the biggest show of audience.

23 Q And there are none of these programs during that
24 period of time?

25 A Not to my knowledge on the O and O's, I do know --

1 Q What do you mean, excuse me, what do you mean by
2 O and O's?

3 A Owned and operated by the network.

4 Q Okay.

5 A I do know of one independent station that does have
6 a public affairs program on in the evening on Saturday night.

7 Q Now, in addition to prime time do they, do the
8 stations break up -- do stations break up the rest of the
9 time into, say next best time, good time, bad time,
10 do they have that kind of category?

11 A Oh, yes, and we, of course, see the battles over
12 programming and what one station does another station will
13 try to do in order to combat their share of ratings.

14 Q Do you know which is the next period of time that's
15 next to prime time? If you don't get prime time, what's
16 the next period of time?

17 A I'm sorry, I'm not up on when these times are. I
18 would imagine after work time during the news hour, starting
19 4:00 through 7:00 there's quite a bit of competition between
20 the newscasts of the three O and O's.

21 Q Are you able to give an opinion as to the -- these
22 community programs in terms of what generally, what general
23 area or time they fall into? I mean do they -- if they are
24 not in prime time do they tend to fall into the next best
25 time or do they -- go to the bottom of the barrel?

1 A I would say some do, some don't. As I say, I don't
2 know whether Saturday afternoon or Sunday afternoon is
3 a good time. In the fall, of course, they're up against
4 the football season and then, of course, you lose ratings.

5 Q Have Asian and Pacific Americans achieved management
6 positions in local television stations, to your knowledge?

7 A To my knowledge, no. I have figures that were put
8 together by Asian Americans For Fair Media, for 1975
9 KNXT, KNBC and KABC had no Asians who were called officials.
10 KNXT, according to their, the records of the Asian-Americans
11 for Fair Media, in 1975 had two Asian Pacific people, KNBC
12 had six and KABC, none.

13 Q Do you have an opinion as to the reason that there
14 is not more Asian-American or Pacific-American people in
15 those kind of positions?

16 A I'm afraid that when our industry thinks of minority
17 they think of Black, and very seldom have they thought of
18 Asian-Pacific, sometimes even Asian-Pacific people don't think
19 of themselves as minorities.

20 One other thing is that we have had no role models,
21 when children are looking at the television set, particularly
22 children that were my age when I was growing up, had no
23 role models. We still have very few role models.

24 Again, within our educational system how many
25 counselors at school would tell an Asian-Pacific person you

1 should go into the media? You should consider a career
2 in that area, it just has been -- I think a philosophical
3 exclusion whether it was planned by management or by our
4 community or not, we just aren't there and not represented,
5 due to the lack of role models. And any encouragement from
6 either educational systems or the media itself.

7 Q Are you familiar with KNXT's internship program for
8 college, high school students?

9 A Yes, I don't know what the results are, I was taking
10 part this summer in choosing an intern from the Asian-
11 Pacific community. We did this through the Los Angeles
12 Public Schools. Several community members and myself as
13 a media representative interviewed many high school students
14 who were beginning their senior year. The program would
15 take them through four years of summer work, in various
16 areas of KNXT, specifically guaranteeing a job after four
17 years, at which time that person would be graduating from
18 college, within CBS.

19 Q And if that program just started you say?

20 A It just came to my knowledge this summer.

21 Q How many -- do you have any idea how many interns
22 they've picked up?

23 A I don't know. I do know that they took one from
24 the Asian-Pacific community and they were looking for persons
25 from each minority community as well as the majority community.

1 Q Are you aware of the adequacies of any other
2 training programs, especially those in the three network-
3 owned stations?

4 A I am not familiar with any, I do know of one case
5 where one individual was taken from a secretarial position
6 and trained for on-air news. And that was at KABC but I
7 don't know of any formal programs.

8 Q I think you have mentioned, it's not here on the
9 record, but at other times, that the community groups
10 do not know how effectively to use the media. Do you have
11 any recommendations in that area?

12 A Again it's a matter of outreach, because the Asian-
13 Pacific community has thought of the media as being White,
14 they still think that, because even now we have no Asian-
15 Pacific community relations director.

16 I was the very first one in this city to serve as a
17 community relations director. That person goes out into
18 the community and serves as the eyes and ears for the
19 television station. The result being, hopefully something
20 is reflected on the air about those communities.

21 Q And in your capacity are you also given the responsi-
22 bility of recruiting for stations? For the station you're in?

23 A I don't have that formal capacity, but as an obli-
24 gation to my community, I feel that I should do this and
25 when I do know a position is open whether it's at my station

1 or others, I will get the word out to community leaders.

2 Q Other than your own personal commitment, does your
3 station make any other efforts to do any recruiting, out-
4 reach in the minority communities?

5 A Yes, I think we've been very good in the area of
6 affirmative action, within our station. We do try to
7 reach out to the communities and we get the word out that
8 there are positions open.

9 Q Does your station have an affirmative action program?

10 A Yes, we have.

11 Q And does that program have specific goals and time-
12 tables?

13 A To my knowledge it does, yes.

14 Q You mentioned that you were the first community
15 affairs director, did you mean for the Asian-Pacific
16 Americans or for the --

17 A No, for the Asian-Pacific Americans.

18 Q (By Ms. Hata) Ms. Haru, yesterday we had several
19 representatives from a variety of studios talking about
20 Orientals. Would you agree with that description?

21 A Orientals? No. We like to be called Asian-Pacific
22 Americans or Asian-Americans, Pacific Island peoples.

23 It's -- Oriental connotes sinister villains, China
24 Dolls, laundrymen and waiters and I would like to, at this
25 point, since you asked the question, mention an organization

1 of Asian-Pacific actors that has recently been formed,
2 next week or the following week you will see an ad in the
3 papers, in the trade papers specifically Variety, which is
4 headlined we're not all alike. Sinister villains, China
5 Dolls, laundrymen, waiters. The motion picture and television
6 industry must catch up with the times in the portrayal of
7 Asian-Pacific Americans on the screen. We should be con-
8 sidered and cast in such roles as lawyers, doctors, next-
9 door neighbors, etcetera, since our people participate in
10 all aspects of the mainstream of American life.

11 In addition to the above limitation of our oppor-
12 tunities, we protest the current discriminatory casting
13 practice of separating Asian-Pacific American actors into
14 our particular ancestral origins and confining us to roles
15 of such origins, i.e., Japanese for Japanese, Chinese for
16 Chinese, etcetera.

17 The industry is practically asking us for pedigrees
18 in order to cast us, and forgetting that we are in the
19 mainstream of American life. Whereby we're not allowed to
20 play in most instances a judge, or a producer or a nextdoor
21 neighbor, very few instances of this kind of casting has
22 happened in the industry.

23 Q (By the Chair) Are you also saying that in relation
24 to one of the comments that came out yesterday, that Japanese
25 should not be restricted to playing only Japanese roles?

1 A Oh, definitely so. And our Screen Actors Guild --

2 Q So --

3 A -- it would follow that if a part were Japanese and
4 it called for the Japanese language to be spoken it would
5 be most likely that the most qualified person to speak
6 Japanese would be a Japanese actor.

7 Q (By Ms. Hata) As an Asian women in the profession,
8 do you feel any particular -- have you felt any particular
9 discrimination as a female?

10 A As a female because I'm four feet, ten, 85 pounds,
11 that in itself is suspect to anyone that's supposed to have
12 any clout in the media. On top of that, because I'm an
13 Asian woman, it's even worse, because we're thought of as
14 China Dolls or Geisha Girls, and Asian women, I'm afraid,
15 have to work twice as hard, using the old term, out-whiting
16 the Whites in order to prove themselves in the industry.

17 Q (By the Chair) Would you briefly explain the TVQ
18 system?

19 A The television quotient system is a list that is
20 compiled by a research corporation, which is used or has been
21 used by the networks and casting directors, producers,
22 in the casting of serials, TV series for television.

23 The list is compiled by going and polling viewers,
24 and asking them which persons are the most familiar to you,
25 and they have a list of names to rate. Minorities are very

1 seldom included on this unless they are superstars.

2 Thereby they -- the casting director would look down
3 a list and if they wanted to use an Asian-Pacific person
4 and not see this person on the list, then either the
5 sponsor or the network could say we can't have that person
6 as a lead in our series because they don't appear on the
7 TVQ.

8 Now, our board of directors of SAG as well as some
9 of the other unions in the industry, have been fighting
10 this list. The use may not be as large as it was in prior
11 years. But we could never get any network or producers to
12 admit to the use of the list in the first place. But the
13 fact that you find the list, you see copies of it around,
14 which may have fallen off a truck or whatever, there is
15 such a list that exists.

16 I might mention some of the names that are on the
17 list, Lucille Ball, Johnny Cash, Bill Cosby, Glen Campbell,
18 Carroll O'Connor, we even have the very well known sports
19 stars and newscasters on this list.

20 But very seldom will you find an Asian-Pacific
21 person or a lot of Black people are on it because they have
22 made big gains, but you very seldom see a Chicano or an
23 Asian or a Native American Indian on the list.

24 Q Would you provide our staff with a copy of that list,
25 please?

1 A I could, yes.

2 Q (By Ms. Gomez) Who are the polling viewers? Who
3 do they poll?

4 A We're not sure, it's just like with the Nielsons,
5 we don't know who they poll.

6 Q So how can you tell if they identify, you know,
7 how can they identify and Anglo with a Latin actor or an
8 Oriental with an Anglo actor?

9 A Well, it's recognizability. And usually --

10 Q But if they're not there they can't identify with
11 them?

12 A That's right, that's why we're not on the list.

13 Q (By Ms. Bernstein) What kind of shows do you produce?

14 A I produce public affairs shows. The Gallery and
15 '70's Woman.

16 Q Have you run into opposition from anyone who you
17 have to answer to one step up in putting the kinds of pro-
18 grams that you feel are needed on television?

19 A No, I haven't run into any opposition, there's
20 obviously not enough time to cover all of the things that
21 you want to cover or that should be covered.

22 Q Well, but I mean the things that you do do?

23 A I am able to get almost anything, the only things that
24 we won't do would be subjects that would not be good for
25 children to be watching, we are on at 9:00 in the morning,

1 but otherwise we are very open.

2 Q (By the Chair) Is there any final statement you
3 would like to make to the panel before you conclude?

4 A I would just like to say that Asian-Pacific peoples
5 have really been excluded not only from the media but
6 from acting parts which are shown on the networks, of
7 course, and because of that, I think it reflects on our
8 entire society as to what Americans think of the Asian
9 Pacific community.

10 And I think it's an obligation of our television
11 industry and the movie industry to depict the Asian-Pacific
12 community as human beings.

13 THE CHAIR: Thank you very much, Ms. Haru, for your
14 testimony this morning.

15 Our next scheduled -- we have two people that are
16 scheduled next, David Lizarraga and Grace Nagata.

17 I wonder if you'd state, for the record, your names
18 and occupations?

19

20

21

MS. GRACE NAGATA

22

23 A (By Ms. Nagata) My name is Grace Nagata, I'm
24 director of communications at TELACU and I am today represent-
25 senting Reinaldo Rivera, Chairperson of the National Latino

1 Media Coalition.

2

3

4

MR. DAVID LIZARRAGA

5

6 A (By Mr. Lizarraga) My name is David Lizarraga, I'm
7 the president of it and I'm representing that organization,
8 the East Los Angeles Community Union.

9

Q (By the Chair) Mr. Lizarraga, could you describe
10 the efforts of TELACU to obtain --

11

A Ms. Gillette, if I may I'd like to read just a short
12 prepared statement prior to questions. I think Ms. Nagata
13 would like to do the same thing.

14

THE CHAIR: Okay.

15

A (By Ms. Nagata) Surely. I'd like to explain to you
16 first what the National Latino Coalition is all about.
17 It is an organization of several hundred member organizations
18 across the United States whose purpose is to advocate a
19 more positive image for Latinos and the the Latino communities
20 in the mass media.

21

And for media more responsive to the needs, interests
22 and views of our community. We welcome this opportunity
23 to share with you what we have -- what we know to have been
24 the Latino experience in the media during these last seven
25 years. We trust that the testimony that we enter herein today

1 will give you a better insight into our community and the
2 progress we have made or not made in the media.

3 I will start by giving you a general overview of
4 what has transpired in this industry over the last seven
5 years, and Mr. Lizarraga will testify on the problems that
6 we have encountered specifically with KABC.

7 I will close ~~testimony with some~~ recommendations that
8 I feel will help alleviate the general discrimination
9 against Latinos.

10 As the records show, those hearings in 1969 were
11 prompted by the media's discriminatory employment practices
12 against Latinos in the media and by the negative images
13 in which we were portrayed.

14 You will recall the commercials like the L and M
15 ads which depicted us as lazy people who didn't get their
16 jobs done and the Frito Bandito ads which showed us off
17 as dirty, gun-toting villains. And the battles that we
18 fought in the 1960's put an end to at least those injurious
19 images of us.

20 Many Latinos fought hard to gain fair access to the
21 media in employment, in news coverage, on public affairs
22 and entertainment programs and in other facets of the
23 media. So that we as a population would be more accurately
24 depicted as part of American mainstream life, or rather
25 the mainstream of American life. That was in 1969. When

1 public affairs programs for Latinos were nonexistent, when
2 public service announcement time was generally unavailable
3 to us, when there were no Latino producers who could sell
4 their entertainment packages to the stations, when there was
5 such a dearth of Latinos employed by the broadcasting in-
6 dustry that we could count more than one and less than
7 five at KNBC. And KNBC at that time was typical of the
8 Latino employment pattern of other stations.

9 We had no Latinos employed in policy-making positions
10 in entertainment within other program departments, in the
11 advertising and promotion departments, and as film editors.
12 We had a few reporters but no anchor persons.

13 In short, we had no affirmative action programs at
14 the networks and at other stations for the Latino community.

15 For record, the fruits of those battles did bear
16 the development of minority affairs programs at each local
17 station. And with the development of those programs, came
18 the hiring of minority program producers, directors and
19 technicians. Some of these producers were first hired on
20 a voluntary basis. Others were later hired on a week to
21 week basis. A few were hired on a permanent staff basis.

22 At the owned and operated stations of CBS, ABC and
23 NBC, those minority programs were, The Siesta is Over, later
24 replaced by, Bienvenidos at KNXT; Unidos, later replaced by
25 Reflecciones at KABC; and Impacto at KNBC.

1 The time on which these programs were aired left
2 much to be desired. They operated with minimal staff and
3 minimal budget. None had a promotion budget, but at least
4 we had finally gotten some programming for the Latino
5 community.

6 A community relations director was hired at each
7 station, to bring the station management in closer contact
8 with the minority communities. Clerical help and laborers
9 were also hired on lots. And on paper at least, the record
10 did begin to look good for the stations.

11 Now, for our community's record I submit that during
12 those years our producers and directors credited the stations
13 with Emmy award documentaries like Teatro Campesino, Cinco
14 Vidas and The Unwanted. We credited KABC with an award-
15 winning Emmy public affairs program called Reflecciones.

16 One Latino reporter credited KABC with a Golden Mike
17 award for his coverage of the earthquake of 1971. And another
18 captured for his station a Golden Mike award for his
19 coverage of the incorporation issue of East Los Angeles
20 in 1974.

21 That record would certainly seem to attest to our
22 progress in the media.

23 Now let's look at where we stand today. And let us
24 start with the Latino-oriented programs I mentioned earlier.

25 The Siesta is Over was laid to rest, and its successor,

1 Bienvenidos was also cancelled at KNXT. The Emmy award
2 nominee program Impacto, at KNBC was cancelled. The Emmy
3 award winner, Reflecciones, at KABC was cancelled.

4 Q (By Ms. Hata) Ms. Nagata, excuse me, could you tell
5 us when these were cancelled?

6 A Last year and they're all dead.

7 I would like to point out that when these programs
8 were cancelled the net result met with a serious decline
9 in Chicano employment at these stations which Mr. Lizarraga
10 will go into in his testimony.

11 These programs have been replaced by what the
12 stations call magazine format shows. And there are good
13 arguments for the magazine format shows. As there were as
14 many good arguments for the shows that distinctly programmed
15 to us.

16 The sad fact of the matter is, however, that today
17 the Latino community has not one program on KNXT, KNBC or
18 KABC that distinctly addresses itself to our needs and
19 to our issues, in spite of the fact that we are the largest
20 ethnic minority in southern California.

21 Our population here is 2.6 million, we have a consumer
22 capability in southern California alone of 1.9 million
23 dollars a year. Okay. Well, so much for the problems
24 of programming and now into the problems of employment.

25 According to the most current employment figures

1 available, at KABC-TV, only 12% of its total staff is
2 Spanish surnamed. Of these, only two out of the total
3 managerial staff are listed as being in an official or
4 managerial position. Twelve out of 97 are listed as pro-
5 fessionals. Seven out of 69 are listed in the technical
6 capacities. Two out of 15 are in sales. And two out of
7 17 are in clerical positions.

8 That's KABC. At KNXT, three out of a total of 46
9 are listed as officials and managers, three out of 89 are
10 professionals, 11 out of 107 are technicians, one out of nine
11 is listed in the sales department. Seven out of a total of
12 46 are in the office and clerical categories.

13 The total number of Spanish surnamed persons working
14 at KNXT comprises only 8.7% of the entire staff. And

15 And now for KNBC, which has been the most responsive
16 station to the Latino community by recognizing and using the
17 talents and professional abilities of at least some of our
18 Latinos. Two are in management positions, there is an
19 art director there, there is one of the -- there is an
20 attorney in the legal department, they have nine technicians,
21 one is in program development. Some are in -- some are in
22 quasi policy-making positions. They have 14 clerical
23 people. And now

24 Now, you may be wondering why I'm giving you these
25 figures and what do they mean and why are they of importance

1 to you or to me or to the Latinos in the media or out in
2 the community? The answer is very simple. The Latino
3 community, as I said earlier, comprises 25% of the popu-
4 lation in metropolitan Los Angeles. Yet the Latino,
5 the stations is represented by only 10% of the work force.

6 Clearly there is a disparity.

7 Now will this change? How and where and when will
8 the Latino achieve greater representation in the media?
9 This will not occur until the Latino and the Latino com-
10 munity is seen, not as one in need of help and salvation,
11 but as one who also has and does contribute to the growth
12 of these United States and all its markets.

13 If the buying and bargaining power and potential
14 of this population were fully recognized, there would be
15 no need for all the indiscriminate cancellation of Latino
16 oriented programs, the indiscriminate firing of Latino
17 employees and the general dismissal of the Latino community.

18 Mr. Lizarraga will now give you a specific example
19 of what I mean, by relating to you the experiences we have
20 had at KABC television.

21 Again let me remind you, this is one incident that
22 occurred at one station. But the pattern always seems to
23 be the same with the others.

24 Mr. Lizarraga?

25 A (By Mr. Lizarraga) Since TELACU was founded in 1968,

1 this community development corporation has been striving
2 to improve the quality of life for the residents of Latino
3 community. And we have taken an active interest and par-
4 ticipation in the aspirations and struggles and setbacks of
5 our Latino people involved in the media.

6 Last year in 1975, several community organizations
7 and TELACU met to discuss the problems that Latinos were
8 having at KABC-TV. We started monitoring the station's
9 daily programs and undertook some research of its operating
10 procedures.

11 By the time we met again in February, 1976, this
12 year, ten Latinos had left the station, some were fired,
13 others phased out and were given substantial information
14 that some of those that remained were forced to work in a
15 hostile environment, which was not conducive to creativity
16 and to productivity.

17 Of those that left in the period of one year, I
18 submit the following information. ABC west coast had
19 Latino personnel director who for five years operated his
20 office with a staff of three persons, he left in 1975 for
21 reasons which you might ask the station management them-
22 selves. Upon his departure, the station immediately re-
23 placed him with a nonminority personnel director who
24 commanded a higher salary and whose staff was immediately
25 increased to eight people and now numbers 12.

1 The point here is that while the Latino headed a
2 personnel office, that office was largely ignored and its
3 importance certainly demeaned.

4 One of the top Chicano reporters in the nation who
5 had developed a sizeable Latino audience for KABC, was also
6 let go. When I inquired as to why, the station manager
7 told me that the reporter had told him he planned to go
8 into teaching.

9 Frankly, I never did quite understand the logic of
10 that statement, in view of the fact that the reporter got
11 a job as a reporter at another local station shortly after
12 his dismissal.

13 Perhaps maybe when you interview KABC you might ask
14 the station management why it dismissed him and get a reply
15 that makes more sense to you. It certainly didn't make
16 sense to us.

17 Another Latino reporter was very popular and well
18 respected in the community was often humiliated by the news
19 director before he was fired.

20 To give you a small indication of how he was treated
21 while at KABC, he undertook some extensive investigative
22 reporting in a particular issue that later broke into a news
23 story. To give you an idea of the attitude that the station
24 has, okay? The gentleman who did some extensive investigative
25 work in a particular issue, it later broke as to what was

1 considered a very major story. Now, everyone in the news
2 department knew he had been working with the story, but
3 when it came to the time, you know, to air it, the news
4 director assigned the story to another reporter.

5 When KABC phased out two programs that addressed
6 themselves to the Latinos, one called Domingo and the
7 other, Reflecciones, the latter of which won an Emmy for
8 the station, it also phased out the positions of two pro-
9 ducers, it phased out the positions of four technicians,
10 it phased out the positions of two production assistants.

11 We can not prove it but we do feel that if these
12 eight people had not been minorities, they would have been
13 able to get assignments on other shows that the station
14 was producing.

15 Another factor to consider, some Latinos who worked
16 on Domingo and Reflecciones were not hired as staff of
17 KABC.

18 Q (By the Chair) Were not hired? as staff of KABC

19 A Were not hired as staff of KABC. But the nonminorities
20 who later replaced them to work on Eyewitness Los Angeles,
21 were hired as staff of KABC, at a much higher, at much
22 higher wages.

23 Q (By Ms. McCullough) Excuse me, could you explain
24 what that hiring agreement was, they were not hired as
25 staff, on what basis were they hired? Were they contract

1 or what?

2 A (By Ms. Nagata) I'd like to respond to that.

3 And use Reflecciones as an example. One of the
4 technicians on the, or rather a cameraman on that crew
5 was hired on a show, on a contractual show basis. In
6 other words, he got an average of about \$200.00 per show.
7 Okay? Which aired every two weeks.

8 Now, when Reflecciones was phased out, the same
9 positions, cameraman, which was the person who was hired as
10 cameraman, was hired as a staff person, not on a contractual
11 basis from show to show. And I do believe that the wage
12 went up almost, almost by double.

13 Q Are there union standards for those wages?

14 A I'm not sure. I couldn't answer that question.

15 Q (By Ms. Gomez) Does the budget, before we leave that,
16 does the budget that was for Reflecciones, did it come from
17 the same place that the budget for the show of shows comes
18 from?

19 A The show of shows?

20 Q Didn't you say something about show of shows?

21 A Eyewitness Los Angeles?

22 Q The cameraman that was taken out of Reflecciones
23 and then was hired as staff. Didn't you say he was on
24 another show?

25 A Okay, the cameraman who had been working on Rel

1 Reflecciones and who had been working on a kind of week to
2 week basis or show to show basis, no, he did not get hired
3 as the cameraman on Eyewitness Los Angeles, which was the
4 show, the magazine format show that replaced Reflecciones.

5 Q Oh, he was not hired?

6 A No, not to my knowledge.

7 Q I thought you said he had been hired as staff at
8 a higher wage?

9 A No, no, the person who replaced that position was
10 a nonminority was hired as staff. In other words, a
11 cameraman-technician but part of the staff, not on a weekly
12 contractual basis. And I believe that the salary was much
13 higher and much higher meant close to double in salary.

14 A (By Mr. Lizarraga) In other words, what we're
15 saying is that when we have people coming in in staff,
16 in the staff minority programs, they are not brought in on
17 a staff basis, all right? They're brought in as a temporary
18 show to show basis.

19 However, it seems to us that then the indication is
20 the commitment as far as the station is concerned is when
21 something of more priority in there is to replace it comes
22 in such as Eyewitness Los Angeles, and these people are
23 phased out, they are somehow able to bring in staff people
24 at a much higher wage and on a permanent basis. Okay?

25 THE CHAIR: I'm going to ask the panel to refrain

1 from questions so you can finish your statement.

2 A That's fine, thank you very much.

3 Incidentally, I just wanted to tell you that we met
4 with KABC in April and the station manager told us that the
5 program Reflecciones had a low audience rating of about
6 six or 7% as opposed to Eyewitness Los Angeles, which has an
7 audience rating of 10 or 11%. Now, a major fact to consider
8 at this point is that since the rating system is not
9 reflective of Latino population, the ratings of Reflecciones
10 were not accurate and therefore the conclusions of the
11 station, I think, should be questioned. The process of
12 analyzing ratings, I think needs to be questioned in this
13 case.

14 A scientific survey and viewing habit study under-
15 taken independently by the graduate school at Claremont
16 College, concluded in 1971 that Reflecciones was the most
17 popular Chicano program in the city. Its rating within the
18 Chicano community was even higher than the overall ratings
19 Mr. Severino had ascribed to Eyewitness Los Angeles.

20 I have heard unofficially that Eyewitness was given
21 a promotion budget upwards of \$50,000.00 whereas the two
22 minority shows had no promotion budget at all. I would
23 like to know if this committee might ask -- would ask the
24 commission to investigate this to give you, we really don't
25 know, we just have an idea that there is promotion budget

1 to sell something and when something's not important you
2 don't promote it and therefore, it's phased out.

3 As I mentioned earlier in this testimony TELACU,
4 my organization, did monitor KABC-TV for a period of about
5 five months, until February, 1976. And this is what we
6 found.

7 After Reflecciones was cancelled, the Latino com-
8 munity received less than five minutes of public affairs
9 programming per month until we brought it to the attention
10 of the station manager when we met with the manager in
11 April.

12 Public service announcements relating to our com-
13 munity averaged eight seconds per day, that's less than
14 1% of its total public service time.

15 Access to news and editorials relating to the Latino
16 community comprised a small percentage of the total
17 editorial and news programming and was not in proportion to
18 the actual size of the Spanish-speaking community.

19 KABC-TV did not recruit, hire, assign or promote
20 Latinos on an equal basis with Whites.

21 Of the few Latinos remaining in the employ of KABC,
22 the station did not offer them equal opportunities for
23 advancement.

24 KABC did indeed go out to ascertain the needs of
25 our community but unfortunately those ascertainment reports

1 produced no additional coverage in the a.m. show, on the a.m.
2 show and very little, if anything, on the various other
3 public affairs or news programs produced at the station.

4 Obviously, since those reports did not translate into
5 coverage of our community, they were, as far as we are
6 concerned, invalid and certainly a waste of time on -- of
7 our time.

8 Based on these findings we ask the questions, you
9 know, whose interest is KABC serving?

10 Disturbed by these findings, I wrote to Mr. Elton
11 Rule, President of KABC or ABC, excuse me, to bring this
12 information to his attention. Mr. Rule responded to my
13 letter on February 18th, asking that we meet with KABC
14 station manager, Mr. John Severino.

15 A meeting was set up with Mr. Severino to meet with
16 me, my communications staff, Mr. Frank Orme, Executive
17 Director of the National Association for Better Broadcasting,
18 his executive secretary, Mrs. Betty Longstreet, Frank
19 Kronin, attorney for MALDEF and Sally James of the U.S.
20 Commission on Civil Rights.

21 On the day we all appeared for the meeting at KABC,
22 Mr. Severino did not allow Ms. James to attend the meeting
23 because, according to him, she was, quote, an outsider.

24 We thought that was rather strange. Nevertheless,
25 the meeting was held. We aired our complaints and presented

1 our findings.

2 The second meeting we held on April 29, 1976, it
3 lasted for an hour or so, during which time Mr. Severino
4 announced that PSA's were up 21% and that Eyewitness had
5 aired 45 minutes of programs on subjects relating to Latino
6 community, in a two-month period, and that a ~~Chicano~~ had
7 been promoted in the news department. That did show some
8 progress.

9 We did not, however, get the indication that the
10 future meetings with Mr. Severino will produce more than
11 what we had gotten or solve the essential problems which we
12 were concerned about, such as an aggressive affirmative
13 action program that would lead to the development of a first
14 Latino anchor person in Los Angeles.

15 The hiring or upgrading of Latinos at the station
16 to policy-making positions in the news department. The
17 development of entertainment and other more relevant pro-
18 gramming. The hiring of Latinos in business affairs and
19 legal departments. The contracting with Latino firms for
20 the delivery of various services to KABC, such as printing,
21 construction, painting, rubbish collection, electrical.

22 We talk about affirmative action we're talking about
23 affirmative action all the way through, not just -- not just
24 -- well. We'll see. Not the tokenism that we've been
25 seeing.

1 We also met on June 9th of this year with Mr. Paul
2 Masterson, head of the west coast office of ABC and
3 members of the ABC staff team. Prior to that meeting
4 we requested a copy of ABC's organization chart and its
5 affirmative action program. Goals and timetables. None of
6 these documents were made available to us prior to, during
7 or after we met with the ABC team.

8 We asked to see a copy of their organization chart
9 to determine how many Latinos were employed and where at
10 KABC, and its west coast affiliates, KABC radio, KLOS radio,
11 ABC records and KABC-TV.

12 Our records show that total Latino employment com-
13 prised only 8% of the staff of 1,020 people. We asked for
14 a copy of the affirmative action program for the most
15 obvious reasons, a week or two after we met I received a
16 copy of ABC's affirmative action policy statements but no
17 program with goals, and timetables.

18 Deputy Mayor Grace Davis, who had attended the meeting
19 with the ABC management, also asked for a copy of their
20 affirmative action program and was told that the station
21 did not legally have to release this information.

22 We got the strong indication when we met with the
23 ABC team that ABC didn't have a specific affirmative action
24 program with goals or timetables, and was in the process
25 of writing something up.

1 It has been six months since we last met with the
2 management of KABC-TV and four months since we met with
3 the management of ABC. PSA's are up 21%, public affairs
4 programming is down a little bit by about 21%. There's not
5 a Latino anchor person at the station, there are no Latinos
6 at the station who are employed in policy-making positions
7 at the station, not one in program development or enter-
8 tainment, not one in the legal department, not one in
9 business affairs, not one in promotion and advertising.

10 According to the station employment record, only
11 two Spanish-surnamed persons listed as officials and
12 managers. I would like to know which management meetings
13 they attend, what policies and affirmative actions they
14 participate in or contribute to and have they been able to
15 implement them for the Latino community.

16 Also, I would like to know what corrective measures
17 the station plans to take, what plans they have to eliminate
18 the problems that we have indicated here for you and when.

19 Because frankly, Ladies and Gentlemen, we're just
20 really, really very tired of the tokenism that we've seen
21 and the manner, our community is treated and just for the
22 record, I think I might, some of it was mentioned before,
23 that by 1990, we will be 50% of the southern California
24 population, 50%. We are projecting 50% by 1980, in
25 southern California -- no, wait a minute, I've got these

1 wrong. 30% in California by 1980, and 50% by 1990.

2 You know, if the stations are really, really, really
3 serious about their affirmative action and talk about good
4 intents, it's got to go manifested through action, only
5 way we can see that is through what comes over that tube
6 and what happens in the station itself, and it should be
7 a mirror of that community.

8 We're not asking for anything that doesn't rightfully
9 belong to the total community, whether it be Chicanos,
10 Asians, Blacks or whatever, and we feel very, very strongly
11 that unless something is done immediately, that this will
12 -- we'll have hearings again in five years and we'll be
13 hearing the same sad story.

14 THE CHAIR: Mr. Lizarraga and Ms. Nagata, thank you
15 very much for that excellent, informative, detailed statement.
16 I just have a couple of small questions.

17 You presented some facts and figures and information,
18 did KABC management concur with your findings?

19 A (By Ms. Nagata) We got the information from the
20 station itself.

21 Q (By the Chair) And although they.--

22 A It's based on a 395 form dated February, 1976 and
23 it's the last one that is available or it's the most current.

24 Q Thank you. Now, you have indicated what you have
25 done and what you see as the problems. Now, do you have any

1 plans that you would like to share with us from your side
2 as to what needs to be done? This afternoon we'll be
3 asking ABC what they plan to do but just how about the
4 media coalition, does it have any specific --

5 A Yes. Our recommendations are, that a task force
6 created by the National Latino Media Coalition be officially
7 recognized by the United States Civil Rights Commission,
8 the Federal Communications Commission and the networks
9 and the local owned and operated stations. That the
10 findings and recommendations as set forth by this task
11 force be implemented. That the task force be able to
12 recommend Latinos for the positions in the following
13 categories and monitor the hiring within these categories
14 to insure balanced Latino representations.

15 In officials and managers, professionals, technicians,
16 sales and advertising, office and clerical.

17 And most definitely with anchor -- we need anchor
18 persons.

19 The fourth recommendation is that the percentage of
20 Latinos employed by the television stations be commensurate
21 to the percentages reflected in the larger community.

22 THE CHAIR: Thank you very much.

23 Q (By Ms. Hata) I've got a couple of questions, you
24 mentioned that there were two persons in managerial posi-
25 tions at KABC, what specifically are these positions?

1 A (By Ms. Nagata) We were going by the records. I
2 believe that one is considered a community relations
3 director, I am not sure what the second one is.

4 Q (By Ms. James) Is that ABC you're talking about?

5 A KABC.

6 Q You also mentioned that NBC had two managers, do you
7 know what those positions are?

8 A Community relations director or I believe it's
9 called manager of press publicity and advertising, some-
10 thing like that.

11 I think it has one on the west coast, it has one,
12 I believe in Chicago in program development but then, of
13 course, that is NBC.

14 Q No, I thought you said KNBC had two?

15 A I did, I believe I did say that, and it's, I know
16 one for sure, but I'm sorry that I may have made a mistake,
17 I was remembering -- I was visualizing the face of a person
18 that I know that is at NBC in Chicago and who is an official
19 manager.

20 Q (By Ms. Hata) You spoke of hostile environment at
21 KABC and that was not define or explained, would you go on
22 a little further about hostile environment, what you meant
23 by that?

24 A Yes. Before we -- before we came here, we knew that
25 we were going to be asked that question. And hostile environ-

1 ment is a very kind of an elusive thing, because it's --
2 it is created by the attitude of one's so-called superiors
3 or the station management. And it's generally manifested
4 in the way that the -- in our case Latinos are able to
5 produce or create for the stations.

6 One of the -- one of the problems that we had in
7 trying to describe that is that there is an intimidation
8 factor here. And if we were to discuss that or be more
9 specific we would have to wind up letting you know who,
10 I mean maybe divulging the names of people whose names
11 do not want to be divulged because they are afraid of
12 blacklisting.

13 Q Fine, well, perhaps if our staff has further
14 questions they can pursue that with you on their own.
15 Separately at another time.

16 A Okay.

17 Q Our staff will probably do that.

18 Thirdly you talked about meeting with a variety of
19 individuals to discuss your concerns at KABC, were these
20 individuals White or did you deal with minorities as well?

21 A Latino community in this case.

22 Q No, when you were dealing with the station officials
23 were you dealing solely with White male officials?

24 A Oh, yes, of course.

25 Q Just for the record --

1 A Surely, John Severino, Paul Coss, where's the
2 other one? Bill Fife, and of course Mr. Masterson.

3 A (By Mr. Lizarraga) There was one female.

4 A (By Ms. Nagata) All right, Ms. Foster, Carol
5 Foster, this is at ABC, with Mr. Masterson, Ms. Foster,
6 Mr. Severino, sat in on that meeting and I believe there
7 were three officials that flew in for that meeting from
8 back east, one I believe was Mr. De Mont (P), and I can't
9 remember the other two names.

10 Q Okay. Finally, you have singled out KABC this
11 morning as an example of some of the problems you've faced --

12 A (By Mr. Lizarraga) I didn't hear you.

13 Q You've singled out KABC as an example of some of the
14 problems you've faced with the stations. Are you implying
15 that you have no problems with the other stations?

16 A No, we're not implying that at all except we needed
17 to start someplace. And we feel that problems exist in
18 all the networks, major networks.

19 However, we wanted to go through a formal process of
20 meeting with the management, discussing the problems, to see
21 if there's some way that we can work together to solve these
22 problems, you know, we wanted to -- try working with the
23 damned system, you know.

24 But we just don't seem to be progressing at all and
25 maybe it will have to be settled some other way.

1 Q But KABC is your first step then?

2 A That's correct.

3

4 (The following was chaired by Ms. Nadine Hata)

5

6 THE CHAIR: Are there any other questions?

7 Q (By Ms. Gomez) Yes. What do you think the com-
8 munity can do about it?

9 A (By Mr. Lizarraga) Boycott.

10 A (By Ms. Nagata) Its advertisers, on a national
11 basis.

12 A (By Mr. Lizarraga) That's right.

13 A (By Ms. Nagata) Because we can meet and meet and
14 meet and all we're doing is meeting and meeting and meeting.
15 You know, we all know what the problems are, they're
16 traditional and they will not stop that way, the only
17 thing that really will stop it when the station is threatened
18 by a lack of -- a lack of revenue, as KNXT was recently.

19 One of the things that was not in our record but I
20 might add parenthetically here, there was a time when our
21 organization used to send its press releases to the news
22 department of KNXT. KNXT, at that time, was under another
23 -- was under an administration other than this current one.
24 And we never were able to get any coverage by KNXT. So
25 we tried an experiment. We started sending our press

1 releases to KABC because KABC hired more Chicanos at one
2 time. See the record, our problems here are KABC, of today,
3 were not the problems that we faced with KABC five years
4 ago when it was under another local administration.

5 Anyway, at the time we started sending our press
6 releases to KABC, there were three Chicano reporters. Some-
7 how or another we always got coverage by a station, whether
8 it was from the Chicanos themselves or whether they passed
9 a lot of the stories on to -- general stories about our
10 community. There was out in the barrios pretty much of a
11 concerted effort to start boycotting KNBC because they
12 were not taking us seriously.

13 We met with the station management of KNXT, I believe
14 in January of this year when it was under another adminis-
15 tration, it did not have a series then, they did not believe
16 that we were boycotting them, they did not believe that
17 they'd lost the Latino audience to KABC, they weren't making
18 that kind of connection.

19 We did meet with the new management of KNXT recently,
20 which does acknowledge that it has lost a large segment of
21 the communities. I'm not sure that they know how large of
22 an audience we are that they lost. But I think that KNBC
23 might be in for the same problems that KNXT is now suffering
24 if it doesn't start digging with us and coming to the bar-
25 gaining table, because this is a -- this is a community that

1 is here to stay, it will continue to grow, and sooner or
2 later it will come to the bargaining table whether we have
3 to boycott it or do something else.

4 Q (By Ms. James) Just one question, you mentioned you
5 just recently met with KNXT --

6 A Yes, two weeks ago.

7 Q Was that meeting initiated by you or by them?

8 A By them.

9 Q And what did they give you, any suggestions of things
10 that they were going to do immediately at that meeting?

11 A That was the most encouraging meeting we've had in
12 a ton of years, I think. They do want to program more widely
13 to us.

14 Mr. Lizarraga, do you want to talk about that?

15 A (By Mr. Lizarraga) No, I really wanted to say
16 something else.

17 Q Did they make any commitments?

18 A (By Ms. Nagata) The attitude was very different. It
19 wasn't that they were saying we want to make a commitment
20 here and now we weren't asking we want you to make a
21 commitment on this and that and that and the other, let's
22 explore what your needs be and let's explore what our needs
23 are and let's meet again, but it was initiated by them, we
24 got every indication that they would like to embrace us as
25 a community. And I hope we were right.

1 Q Did they say why they had initiated a meeting at this
2 particular time?

3 A I think it's a new administration who wants to
4 know what the various communities are all about, what its
5 local population is like.

6 A (By Mr. Lizarraga) Of course we're willing to help
7 the top station in Los Angeles any way we can if they're
8 going to work with our community because we know that our
9 consumer will respond.

10 I just want to tell you just, this last comment here
11 and when we had our meeting with Severino on April 22nd,
12 one of the problems that we have, I don't think that the
13 stations really care, they just don't and they're not being
14 forced to comply. And the attitude is such that, you know,
15 when we were discussing possibilities of working together
16 to try to solve a common problem, we benefit everybody,
17 themselves as well.

18 And we didn't want is an adversary situation, be-
19 cause in this, in a situation like that I guess everybody
20 loses.

21 A common, I've a transcript here right now and I'd
22 like to read it, a comment by --

23 Q A transcript from what?

24 A From that meeting, okay? Give you an idea of the
25 attitude. It says, and we're talking about an adversary

1 situation that might take place if we don't begin to work
2 together.

3 He said let's make it clear my point of view
4 obviously, I hope you don't have to take, to get into an
5 adversary situation, but if we do this corporation has a
6 staff of many, many lawyers who I think are overpaid and
7 do nothing anyway.

8 My response was, they are? I would like you to over-
9 pay a couple of Latinos, Chicano lawyers, you know, let's
10 put them on the list as well.

11 He also said let's keep in mind also that because
12 we have so many lawyers, they don't allow me to fulfill
13 my obligation to get our license renewal, so that kind of
14 threat, I hope we don't have to get involved in --

15 Q (By Ms. Gomez) What station was this?

16 A KABC. In other words, that's the attitude we're
17 faced with. They've got a lot of people and they've got
18 nothing to do but fight us in court so we have to put our
19 forces together and do that anyway.

20 THE CHAIR: One final question?

21 Q (By Ms. Bernstein) Yes, I have a question.

22 Is it feasible for community organizations to appeal
23 to the FCC in terms of licensing renewal to put pressure
24 on stations to comply with affirmative action?

25 A Yes.

1 Q Has your group worked in that way at all?

2 A (By Ms. Nagata) Yes. Right now the composition of
3 the Federal Communications Commission is somewhat -- it's
4 unresponsive to this community. And of course we speculate
5 that some of that has to do with the fact that there is not
6 one Latino that serves on that commission.

7 The Black community was not responded to pretty much,
8 you know, a few years ago, it now has commissioner Benjamin
9 Hook and I'm surprised that Blacks have been, and I think
10 that's magnificent and that's one of the reasons why we
11 are advocates for a Federal Communications Commissioner
12 as well.

13 THE CHAIR: If there are no further questions, thank
14 you both.

15
16 (Short recess)

17
18 THE CHAIR: I'd like to reconvene this morning's
19 session.

20 For the record, I'd like to note the presence of
21 Helen McCullough, Frankie Gillette, Blanche Gomez and Helen
22 Bernstein, and in the audience we have another committee
23 member, Mr. David Santiago.

24 The next witness is Ms. Boots Jones.

25 Ms. Jones, for the record, would you give us your

1 name and address?
2
3

4 MS. BOOTS JONES
5

6 A (By Ms. Jones) My name is Boots Jones, I live at
7 3514 Cody Road, Sherman Oaks.

8 Q (By the Chair) And would you identify yourself,
9 please?

10 A I am, by profession, a physical therapist but I'm
11 also the State Vice Chair for National Women's Political
12 Caucus, and am one of the NWPC representatives on the Los
13 Angeles Women's Coalition for Better Broadcasting, whom I
14 represent today.

15 Q Do you have a brief summary to present to us before
16 questioning?

17 A Yes. The Los Angeles Women's Coalition for Better
18 Broadcasting consists of representatives of National Women's
19 Political Caucus, several national organizations for women
20 chapters, Women's Equity League, the ACLU women's rights
21 project, Black Feminists, Comision en Feminino and Native
22 Student Organization.

23 The latter are no longer with us because they are
24 a transient population but they did a great deal of work
25 during the time we were writing the briefs and getting the

1 material upon which we based the briefs.

2 We organized early in 1974 to try and influence as
3 ~~ascertainment~~, employment and programming as regards women
4 in the TV industry. We want to change the image of women
5 we saw as it is presently constituted..

6 Very briefly, we submitted and negotiated a proposal
7 with each of the UHF stations, the result of the negotiations
8 was that we challenged the license of KNXT-TV, KTLA and
9 KCOP, these suits are presently in the Washington Court of
10 Appeals. We signed feminists agreements with KABC and
11 KNBC. Very minimal agreements. And have women's advisory
12 councils with these stations.

13 We are trying to cope with the production studios,
14 we started with Universal and complained to the General
15 Services Administration. General Services Administration
16 has just finished an overview of Universal and should have
17 all the figures that we can't get.

18 I was called last night by a woman who found out
19 that I was going to be testifying today and she wanted me
20 to tell you that Lou Wasserman stated to the SAG group that
21 he would have nothing to do with an affirmative action
22 program. He didn't want to hear anything about it. And
23 she also went on to state that at Universal the employment
24 figures in the last two months for women have gone down
25 in spite of all the promises he made and she also wanted to

1 say she was concerned the promise that he made in terms of
2 the casting list, I understand he made a promise that there
3 would be all the sex descriptions on the casting lists would
4 be taken off, and she says this is not true.

5 And I think it would be good of the commission to
6 investigate these allegations.

7 Q (By the Chair) For the record, would you give us
8 Mr. Wasserman's position?

9 A Mr. Lou Wasserman, I think he's president of Universal
10 MCA. Some of our problems, and I hope we get into a dis-
11 cussion, I just briefly want to go through these. Lack of
12 accountability of the networks in the public broadcasting
13 system.

14 Now, we women want change in the public broadcasting
15 system because we didn't have time, but we have talked to
16 them and tried to negotiate with them and got nowhere.

17 And the problem as we see it is while the stations
18 have some accountability to the FCC, the networks have not.
19 They're accounting, apparently, only to God.

20 The networks run the stations. The stations, stations
21 say they are responsible to the FCC but when you challenge
22 them on something they say the network says we have to do that.
23 When you challenge them on a program, they say it's a net-
24 work program, you know, it's Catch 22. They have no affirma-
25 tive action program so far as I can see. It does result,

1 however, as far as we are concerned, in the stations abro-
2 gating the agreements because in the agreements, one of
3 the things that they said as a nice policy statement, is they
4 show no programs which would demean women or any creed or
5 anything like that, and then they put on a program like
6 Charlie's Angels, which while it does give employment to
7 three women, gives it in such a way that I don't think we
8 need it.

9 Some other way we need employment. There is dis-
10 crimination in the FCC itself, it's a pleasure to see so
11 many women on the dias it's not true of PCB and FCC.
12 There is no procedure for implementing goals and timetables
13 providing you get them.

14 The 395 forms are totally inadequate, you have no
15 job descriptions, you have no way of knowing what's going
16 on at all, they only come in once a year and you don't know
17 how many women have gone through. I mean they could say
18 that they've hired one more women as compared to last year,
19 they may have hired a number of women and they will have
20 gone through and you don't know why they were not successful.

21 Michelle is bringing documents --

22 THE CHAIR: Would you identify her, have her identify
23 herself for the records?

24 MS. GRUMET: I'm Michelle Grumet, I'm with the L.A.
25 Women's Coalition for Better Broadcasting.

1 A We have copies of the agreements, we have copies
2 of the briefs, and various things like that, if you'd like
3 them. We have the originals in some cases so we're going
4 to have to ask your staff to copy them for us, okay?

5 I might add that the coalition has had no money at
6 all, whatever we've done has come out of our pockets, we've
7 had no lawyers, what legal advice we've gotten has been
8 from friendly people, law students, the last brief was
9 brilliantly written by a law clerk here in Los Angeles,
10 Kay Loveland, and so we have to ask people who have the
11 facilities to help us.

12 THE CHAIR: We will be asking you for copies.

13 A Okay. The public's only research the license challenge
14 which we have just been through and are still in the
15 process of doesn't work. In fact, the FCC has been so
16 totally unresponsive to the allegations in the challenges
17 that one wonders why they even bother. For instance, at
18 KTTTC a woman was fired because she refused to pad the wages
19 of the employees. She filed a formal EEO complaint and
20 we included it in our challenge and she was totally ignored.
21 I mean this is a felony that she was reporting.

22 The unions are unresponsive. Another Catch 22
23 situation. Finally, in our discussions at KNBC the women's
24 advisory council, we would complain that there are no
25 technicians, they would say the unions won't let us and we'd

1 say, then you tell the unions, and it would go on and on
2 and we finally agreed that we would write the unions and
3 ask them the breakdowns in terms of women and how, you
4 know, and the job situation.

5 And that's just been recent. We've received
6 answers from the writers' union and from SAG and of course
7 they're not the ones that are really involved with what
8 we're talking about, are the cameramen and I understand YATC
9 didn't show up yesterday so I don't imagine they'll answer
10 our letter.

11 It's a perfect Catch 22 however for
12 both the unions and the networks. The unions will say the
13 networks won't hire the stations and the other stations
14 will say the unions won't let women in. And we all know
15 it's nonsense, we know this is a business where all you
16 need to get a job is somebody who wants to hire you.

17 And somehow or another, you get hired.

18 Sexism on TV continues unabated. Sex stereotyping and
19 programming is not in accordance with the public interest
20 standards of the communications act, and violates the
21 fairness doctrine.

22 The ~~distorted~~ image of women now on the TV screen in
23 programming and in ads includes as detrimentally, the self-
24 concept young girls have and perpetuates sex stereotypes

25 We contend that the policy of writers, directors and

1 producers, as well as camera and sound people, directly
2 influences the image of more than half of the population.

3 THE CHAIR: Ms. Gomez?

4 Q (By Ms. Gomez) Ms. Jones, could you tell me when
5 did you sign these agreements for the stations?

6 A October of '74.

7 Q October of '74? And what were the two, were the
8 major agreements?

9 A In ascertainment we asked that the women's community
10 be ascertained and they are doing that, this is at KABC
11 and KNBC, okay? With KNXT, of course, we have no communi-
12 cation. We had hoped that the new management would approach
13 but they haven't, so maybe it's gone too far.

14 Q Do you feel that they lived up to their agreements
15 to a certain degree?

16 A KNXT?

17 Q No, the ones you signed?

18 A No, they haven't lived up to their agreements but
19 they have in some respects and some better than others,
20 you know, it's a very -- it's an interesting situation.

21 In terms of ascertainment I would say that they have
22 as much as possible. I'm not going to put too much of a
23 thing on that because I think ascertainment on the whole
24 is a crock anyway, it really doesn't -- what they do is they
25 ask leaders of the community, they don't really go out and

1 ascertain a community the way a community ought to be
2 ascertained whatever the community, whether it's the
3 women's community or the Chicano community or whatever.

4 In terms of employment, and this is so piddling it's
5 just awful, they finally, after hours and hours and hours
6 of negotiations, they finally agreed to hire nine more
7 people in the top four categories in the next three years.
8 In other words, the next license period.

9 Now, as I say the problem with that is there's no
10 way we have of checking out anything, the 395 forms have
11 no job descriptions and so forth, and the other problem
12 which we are too naïves to realize then, was that they
13 can put them all in the professionals, they can put them
14 into on-camera people and stuff like that and it doesn't
15 get you one more technician.

16 There is, we understand now, at KNXT, for instance,
17 there is a woman who is an excellent camerawoman, who's
18 typing on a video type machine. Because she can type. But
19 that kind of thing we have, there's no way we can monitor
20 this.

21 I will say this, that I'm on the KNBC council,
22 Michelle is on the KABC council, I think that KNBC has
23 tried to do some good things, certainly in terms of the
24 news, they're finally getting a woman anchor person. Kelly
25 Lang, presumably, is going to start very shortly.

1 They do cover women's events, so does KABC, KNXT
2 does not. They do if it's huge but I mean it's -- you
3 know the things that we set up and do which are considered
4 newsworthy by the other stations, are not considered news-
5 worthy always by KNXT.

6 Q Have your efforts included any dealings with the
7 motion picture industry?

8 A No. None at all. Just, well, Universal, I mean
9 which does TV movies and so forth. Universal is extraordinary,
10 I mean it does over half of the TV productions. So that
11 we felt it was very much within our purview but that's
12 really like talking to God. I mean that's an impossibility.

13
14
15 MS. MICHELLE GRUMET

16
17 A (By Ms. Grumet) We filed a complaint.

18 A (By Ms. Jones) Yes, we have a complaint which we
19 will give you our complaint with GSA with contract com-
20 pliance, and --

21 Q With regards to Universal?

22 A Regard to Universal contract compliance got very
23 upset because they'd done this overview and they thought
24 they had a contract or an agreement going with Universal
25 and didn't feel they could do it until they satisfied our

1 complaints. Well, there's no way you can satisfy our com-
2 plaints, as you'll see when you see the letter, I mean not
3 within the next three or four days. They wanted us to meet
4 with the Universal officials.

5 Q Now, your efforts with the unions, what -- have you
6 contacted them at all or --

7 A Well, we've written -- we wrote every union, KNBC gave
8 us a list of all the unions that they have dealings with
9 and there are how many, there are about 25?

10 A (By Ms. Grumet) Sixteen.

11 A (By Ms. Jones) Sixteen.

12 Q But you weren't able to get together with them?

13 A We got together with the Writers Guild but that was
14 before we were asked to because we felt that the writers
15 are the ones that are writing all these ghastly things.
16 The writers, of course, themselves, have their problems,
17 they don't have enough women writers, and what women
18 writers they have don't get on TV enough. They don't get
19 their fair share.

20 But over and beyond that, they say that they write
21 what they are told to write.

22 Q Where are you going --

23 A Somewhere that's going to stop.

24 Q What are your immediate goals or what --

25 A For what?

1 Q Your organization to bring these things about and
2 these negotiations to --

3 A Well, we hope that the licenses will be denied for
4 all the stations, and can you imagine what's going to
5 happen then? It won't, of course, and I think this is --
6 you know, my heart bled when I listened to everybody else
7 testify here because in fact you suggested that the
8 Chicanos go the license challenge route. I don't think
9 the license -- I think the license challenge route takes
10 up an awful lot of an organization's energy and money to
11 no avail.

12 I'm glad we did it, I'm glad we did it on such a
13 scale that the fact we can eventually say to people
14 either this is a good thing or it isn't, but I don't think
15 really that the FCC is ever going to pay any attention to
16 this kind of thing and in fact, in Congress, as you know,
17 they're trying to get the license period extended to five
18 years, which is going to give the public even less of a
19 chance to get at them.

20 Q (By the Chair) Well, what alternative do you pro-
21 pose, then, if you say the license route is inadequate?

22 A (By Ms. Grumet) I'd like to say something about
23 that, just to kind of get it on the record too.

24 Did you talk about the FCC and unresponsibility?
25 Well, like one of the just incredible things I'm sure lot of

1 people have told you this, about the FCC is that all our
2 allegations and everything that was in our position, they
3 just ignored and they said that we failed to raise sub-
4 stantial and material question of fact, they didn't even
5 deal with them, it was like they said the same thing for
6 every allegation, even though we had affidavits from our
7 employees that worked at the station, and so that's why
8 we decided to take our case to the U.S. Court of Appeals.

9 But from what we understand from communications
10 lawyers in Washington, the deal in the court of appeals all
11 the time is that even the court now is very hesitant about
12 overturning FCC decisions because they're afraid that it's
13 going to jump, you know, go up to the Supreme Court and they
14 don't like to overturn another government agency.

15 So, like I think the question that our group, our
16 coalition is really facing, is, what do you do? Well, you
17 go to the FCC, they ignore you, you have reams of informa-
18 tion, you have affidavits, you have -- you know, and then
19 they turn you down, you go to the court of appeals and
20 women are usually always, they've never won yet in the court
21 of appeals, by the way, and all we were asking for in our
22 appeal was a hearing, we weren't asking for, you know, we
23 just wanted to make these things public.

24 So, what we started to do on a very kind of a low
25 key level, was start to pressure legislators. Well, you know,

1 there's only one legislator here, well, at least in L.A.
2 Waxman, who's on the communications, who just got appointed
3 to the communications subcommittee so we were all ready to
4 go and testify in Washington just a few weeks ago, in front
5 of Congress, about license renewal period. And the complete
6 unresponsiveness of the FCC and suddenly the hearings were
7 cancelled. So what do you do?

8 I mean it's the whole -- it's the whole, you know,
9 paper tiger thing, is because the legislatures and legis-
10 lators are afraid or nervous because, you know, these
11 media people could make or break their political campaigns
12 so they don't want to alienate them and yet they don't want
13 to alienate us, so I think, you know, we just find in-
14 credible situations and we think that the FCC there has
15 got to be a whole, you know, investigation of that agency.

16 I mean not just the fact that a lot of the people
17 that sit on the agency are former broadcasters, but for
18 instance when we filed our petitions against these stations
19 the FCC didn't even bother to let us know when they had
20 made their rulings and their decision. We read about it
21 in the L.A. Times after -- weeks after they had ruled.
22 So because --

23 A (By Ms. Jones) Which cut down on our time.

24 A (By Ms. Grumet) Which cut on our time so on one
25 station we couldn't even appeal the case because the FCC didn't

1 bother to let us know and you know what their response
2 was? You know they said, well, we gave you public notice,
3 we sent out a press release to all the media.

4 So here we are, we're the petitioning party, you
5 know, here we are, we filed, you know, mammoth briefs
6 and they didn't even bother to let us know that they had
7 reached a decision until it was almost too late to file
8 our reply. I mean this is the kind of really incredible
9 things, and the point she mentioned about this woman at
10 Metromedia, I mean this woman had death threats, she
11 alleged, you know, they fired her, and in her EEOC com-
12 plaint with the EEOC she charged sex discrimination, age
13 discrimination, she also said that she was fired because
14 she caught, at least this is what she alleged, she caught
15 the station committing a felony over paying their daily
16 call workers and she wouldn't go along with it until
17 they gave her, you know, until they gave her written
18 authorization to pay them this double time and they wouldn't
19 do it so they fired her.

20 And nothing has been done. Nothing. I mean these
21 are really serious charges, the EEOC we found in cases when
22 women filed complaints they've been sitting there for
23 four and five years so what do you do?

24 You can't get anything from the EEOC, you can't get
25 anything from the FCC, the legislature, you know, represen-

1 tatives just look at you in the face. So I mean we are
2 really, in the position right now where we're trying to
3 rethink our whole strategy, maybe about boycotts or some-
4 thing like this, because you know, obviously --

5 Q (By Ms. Gomez) Did you go so far as the Spanish-
6 speaking people have said that they would as far as boycotting
7 viewing and products?

8 A I think everybody's thought about it I know.
9 NAWCP has thought about it, we thought about it in con-
10 junction with each other, but I don't know how you implement
11 a boycott in this particular kind of a situation.

12 There is a particularly offensive ad right now on
13 TV which has to do with hose, and the -- yes, right, and
14 you know the camera is on everybody's fanny, okay. I
15 suppose we could mount that, but the amount of money and
16 time it would take to do that to be effective, is horrendous.

17 And it seems to me that what you're doing is you're
18 just picking one fly off at a time actually.

19 One of the things, for instance in our agreements
20 was that they -- the stations were supposed to help us get
21 in touch with the advertisers to talk to them, all we want
22 to do is talk to the advertisers and explain some of the
23 things that are particularly offensive to women.

24 We can't get to first base. We're still complaining
25 to the ones we've written the agreements with in terms of

1 the news, for instance.

2 I'm still talking to Bob Elton about it, I mean
3 they cover some news beautifully but then they do these
4 other idiotic things, they should know better by now.

5 Now, Eileen Hernandez is going to do sensitivity
6 sessions, is what we finally decided to call them, with
7 KNBC, this is part of the agreement. Three of them. Well,
8 I'm sure it will help to some extent, but this is --

9 Q (By Ms. James) With management?

10 A With management, yes. KABC isn't -- isn't even
11 as good as that, they say they have their own in-house and
12 we don't know who they are and really, you know.

13 So in that sense we feel they've abrogated their
14 agreement.

15 The question is what do you do when they abrogate
16 their agreement --

17 Q (By the Chair) You are dealing in all of these
18 conversations with White males?

19 A Oh, yes.

20 Q You have not had any dealings with any woman in
21 any significant decision-making --

22 A Yes, they brought in -- at KNBC they did bring in
23 Diane Barkley--- Dee Ann Barkley, who is head of program
24 development and with the network, and she listened to our
25 long song and dance for a couple of hours and we haven't seen

1 anything more.

2 I will say this for KNBC, they are showing -- or
3 this is NBC-produced, they are showing some decent pro-
4 gramming, I mean they are doing Babe Diedrickson, they're
5 going to be doing Amelia Earhart, they're the ones that
6 did Eleanor, which to us is feminist programming, Eleanor,
7 to us is an idea of feminist programming.

8 Feminist programming is not sitting two women down
9 at a panel and discussing ad nauseum something so boring
10 nobody wants to listen to it, including me. I mean what we
11 are talking about is we are talking about women in the
12 mainstream of life. And we are. We're more than the men,
13 after all. And nobody would be here if it weren't for us.

14 Q (By Ms. Gillette) Could you identify some of the
15 other things in the agreement? In addition to the sensi-
16 tivity sessions?

17 A Ninety minutes a year of prime time programming
18 dealing with women's affairs, which meant that Babe
19 Diedrickson satisfied that requirement.

20 As I say, we were rather naïve, and you can't not
21 believe it, you would have felt we were asking for the moon
22 and the stars and everything.

23 We asked to meet with the writers and they agreed
24 they would, they could facilitate such meetings. Nothing
25 has happened, it's taken two years, incidentally, for us

1 to get to first base on the sensitivity session.

2 We asked them to change their language, which they
3 have done pretty much.

4 We've given various guides on sexist language and
5 so forth, and the news people are as I think everybody has,
6 the news people are doing pretty well in that area. They
7 revised their job application forms and there are a whole
8 bunch of little things like this.

9 The talent bank we don't know what they've done.
10 We've sent them names, nobody's ever gotten hired that we
11 know of.

12 There are various other resources which we recommend
13 to them, nobody's been hired out of them.

14 As I say, it's an old boy institution, as we all know.
15 There are some gains, however, there are a few more women,
16 there are a few more women, but it's so picayune that when
17 you look at prime time programming, we aren't there.

18 Q (By Ms. Gillette) Now, in your efforts to upgrade
19 the role of women, and participation, do you then negotiate
20 in terms of women in general or do you break it down by
21 minority women or do anything specific for minority women?

22 A We didn't do anything specific for minority women,
23 we let the minority women do that for themselves. We have
24 minority women who did negotiate with the stations, the
25 women from the Comision en Feminino.....

1 were very effective. However, they didn't get anywhere, you
2 may notice from the programming, Chicanos are nonexistent,
3 they just don't exist on TV. And I think it's just ghastly.
4 Neither do Asians.

5 Q (By the Chair) You're saying that you do not
6 negotiate for minority women, you are negotiating --

7 A No, what I'm saying, within the coalition we -- the
8 minority women negotiated for themselves. As a coalition
9 our stance was, and was out front, that anything that hap-
10 pened to anyone benefits all women and therefore, if they
11 wanted to do the two for one, wanted to fill everything
12 with minority women that was just fine by us.

13 Q What percentage of your coalition consists of
14 minority women?

15 A Well, there's the Comision and the Black Feminists
16 and we have a few -- we have a couple of Black women who
17 are just affiliated with the coalition and help us with
18 our work.

19 Q So two out of how many?

20 A Eight, ten?

21 A (By Ms. Grumet) But the rest of them --

22 Q (By Ms. Gomez) Two organizations out of eight?

23 A But the rest of broad groups of, like NOW and National
24 Women's Political Caucus --

25 A (By Ms. Jones) Yes, all of which also have minority

1 women in them.

2 Q (By Ms. McCullough) I would like to know, for those
3 women who are in the media, what kind of support are you
4 getting from them?

5 A (By Ms. Grumet) Well, it's been really interesting.
6 When we were first gathering all this information and we
7 went in to look at the files, people were very hostile.
8 I mean really hostile. And in fact, I don't know if Boots
9 mentioned it but when we found a lot of information about
10 public broadcasting here in L.A., the women -- a lot of the
11 women were absolutely furious. Because I think they felt
12 threatened.

13 I'd say at first there was a lot of suspicion and
14 when we went in first we really, I mean we were just a
15 loose coalition, we were just, you know, everything was
16 kind of piecemeal, we didn't really know what we were
17 doing and so we didn't know what to ask for and we didn't
18 know any women at the stations, really, to speak of, which
19 in a way I think is really a good thing to say about our
20 coalition, is that we do not have media people in our
21 coalition.

22 And a lot of media people have come or people have
23 come because they wanted jobs or things, but we found that
24 the stations initially tried to co-opt these people. I
25 mean people were offered jobs, people were offered boyfriends,

1 I mean it was just, it was incredible. It really -- it
2 was unreal.

3 And I think that when you see these kinds of things
4 you know, you know, how threatened that they get. Like --
5 but I think what happened that is healthy and -- but has
6 been stymied, is the women started organizing themselves.

7 Now, at KABC they formed a women's group, and on Alice
8 Doesn't Day, they wanted to strike and they told the
9 management that they were going to just take off.

10 Well, the management had a fit, and said no, rather
11 than you strike on that day, we'll -- you can have a picnic
12 on the front lawn and we'll film it. So kind of that's
13 what happened there. And it seems like they're not en-
14 couraged, like at KNBC some of the women started organizing.

15 Now, the interesting thing about KABC is the clerical
16 workers were taking part, you know, it wasn't just the
17 women in the top management positions that we were really
18 excited about because a lot of these women are really
19 terribly exploited in the clerical field where they have
20 these inflated titles, they say they're associate producer
21 and they're really just sitting there typing letters all
22 day, so that is an encouraging sign. But we feel that
23 one of the big problems is in this industry people are so
24 paranoid, they are so frightened of, forgive the word,
25 blacklisting, that they -- they just don't want to rock the

1 boat and they don't want to get the reputation of being
2 a troublemaker and even when they have their own organi-
3 zations, like at KABC, they called it ABC Women, and
4 they put on their own newsletter.

5 Well, they put the newsletter out on ABC stationery
6 and apparently the station had a fit and gave them a lot of
7 hassle so a lot of them dropped out.

8 So I think that that is a reality, and like for
9 instance the things we found at PBS, the L.A. Times wrote
10 up and I'd just like to read you a section of the memos
11 we found because one of the things in investigation that
12 we were looking for was, you know, public access, you know,
13 public accountability, you know, because the air waves do
14 belong to the public which we keep on reminding people and
15 that never seems to get through.

16 And what we found at KCET was the only time they
17 went to the public was when they wanted money and for
18 instance this is -- we were looking in their public
19 inspection files and we found a series of memos that Lomer
20 (Phonetic), the head of KCET had written to their law
21 firm in Washington and had been misfiled. But it was still
22 in the public inspection files, so we felt that the public
23 ought to know this is a public TV station.

24 And this gives you an idea of the kind of absolute
25 disdain that they have or contempt they have for the public

1 and yet they call themselves community television.

2 This is a letter, an excerpt from a letter from
3 Covington and Burling to the head of KCET. Thank you, I
4 guess in parenthesis, for sending me a copy of the proposed
5 agreement that was left with you by the women's media group.
6 He gave us the wrong name anyway. Begins one letter from
7 KCET's Washington law firm. Such as so much for the state-
8 ment by the FCC that broadcast stations should or must enter
9 into agreements with community groups, however limited that
10 may be. I shall tend to advise against any kind of agree-
11 ment unless the station has fouled up to such an extent
12 that signing an agreement is the only way to bail out.

13 Now here's another one. I mean this is just, you
14 know -- this is just short.

15 Q (By the Chair) While you're looking for it, Mr.
16 Glick?

17 Q (By Mr. Glick) Well, I wanted to ask a question
18 with respect to the programming content, the sex role
19 stereotyping of women in a negative fashion which clearly
20 influences young women in many different ways, negative
21 ways. Do you think this is an aspect of communications
22 that government should be responsible for? Or control?

23 A (By Ms. Jones) I see what you're getting at. Our
24 attitude was this, that if women were in greater numbers in
25 the production aspects, in the writing, in the directing,

1 in the producing, we would get different content. Now,
2 whether or not -- yes, government is going to have to -- I
3 don't know how, I don't have an answer to this, if that
4 doesn't happen and it doesn't look like it's going to,
5 government is going to have to figure out some way to do it.

6 The whole question of censorship, which you know I
7 hate to get into, but people keep bringing it up, they
8 keep saying, ~~"Oh, you're censoring me"~~, and that's first amendment
9 rights and that's bologna. If you consider sexism as racism
10 something which our democratic society can not tolerate,
11 then you're going to find some mechanism for eliminating it.

12 Now, people are not racist on TV the way they were.
13 No way. But that doesn't seem to make any difference in
14 terms of what they do for women, they'll just do anything.

15 Q Well, they're not racist on TV because it's not
16 socially acceptable.

17 A Right, but sex is.

18 Q And won't sell products, it's not commercially
19 advisable.

20 A Right.

21 Q And don't you think that might be a better control
22 of how women are treated in television rather than governmental
23 intervention?

24 A Well, is this -- this is, then, a personal question,
25 I don't think that boycotts are going to work, quite frankly,

1 unless it becomes so bad and it's not going to become so
2 bad because what happens is they are constantly walking the
3 edge, they get just as bad as they think they can get away
4 with.

5 Most women. Women are different than other minorities,
6 women live with their oppressors, to coin a phrase.

7 You know, they're -- they're under somewhat more of
8 a disadvantage. They also are brought up somewhat dif-
9 ferently in the sense that they don't know they're oppressed,
10 very many of them, and --

11 Q You haven't met my wife, obviously.

12 A Well, or me, those of us who know it are just fine
13 but we're talking, no, we're talking about different types
14 of women who are, finally I think, beginning to understand
15 this, thanks to the efforts of some simply marvelous women.
16 But I think that government can step in, if government
17 steps in and sees to it that there is in fact, in employment,
18 a real affirmative action, and if in employment we really
19 do have women and things don't change, then I think we can
20 bring it up again.

21 I'm willing to wait until we get enough women in
22 employment and things don't change before I get into the
23 other.

24 MR. GLICK: Thank you.

25 THE CHAIR: Another question?

1 Q (By Ms. Bernstein) Yes, I have a question.

2 Have you worked with any independent producers or
3 independent companies and had any success in that area?
4 You've been talking about stations, major stations and --

5 A I have -- I hate to tell you this but one of my
6 very dear friends Marv Benedict, executive producer of Six
7 Million Dollar Man and Bionic Woman, etcetera. No, I
8 haven't got anywhere.

9 THE CHAIR: One more question.

10 A (By Ms. Grumet) I just want to answer that too. I
11 mean one reason I think, and it kind of gets back to what
12 you were asking earlier about government and everything,
13 is that as weak as the government regulation is, if it
14 wasn't there, there would be nothing. I mean and that's
15 -- and because of the whole Federal Communications Act and
16 the idea that the air waves do belong to the public and
17 we've used that because that's -- that's the problem in
18 dealing with independent producers and studios, is that at
19 least the local -- the local stations are the only ones
20 that are licensed, the networks aren't licensed so you can't
21 even, how do you attack the networks unless you have some
22 kind of lawsuit? So that's why we dealt with the local
23 stations because you know, the other people wouldn't even
24 talk to us, weren't even interested in meeting with us.

25 Q (By Ms. Bernstein) All right, there are some women

1 who have positions as producers for some major TV stations'
2 programs. Have you been any more successful in dealing
3 with them or is it so far beyond even their realm of power
4 that it doesn't matter? Is it encouraging at all?

5 A (By Ms. Jones) There are so few of them and they're
6 so isolated that -- they try, you know, there are good
7 things coming out over the air waves, interestingly enough
8 the soaps are better for women than any of the other,
9 ghastly as those are, but they do show some middle class
10 women, but they do show women doing things that women do
11 do. There are doctors, there are architects, there's secre-
12 taries. You know, there's a conglomeration and it's sort
13 of like a White, middle class, small town, on the soaps.

14 Q I think what I'm getting at is you suggested if
15 more women got in more positions as writers, directors,
16 producers, it would make a difference and what I'm asking
17 is would it really make a difference unless they're not in
18 top managerial positions?

19 A Well, we've asked for the top managerial positions
20 too.

21 Q (By Ms. Gillette) But you indicated that the
22 writers were writing what they were told to write. They're
23 told by whom?

24 A (By Ms. Grumet) By the networks, I mean they testi-
25 fied in Washington.

1 A (By Ms. Jones) It's Catch 22 between the ad agencies
2 and you know, they go round and round.

3 A (By Ms. Grumet) They said that, this is what they
4 said, at least in their testimony before the House Committee
5 that I think it was a couple of years ago, that they like
6 to write about, you know, working class people and the
7 poor people and you know, issues that they felt were
8 really important because I think as everybody knows in the
9 industry, the Writers Guild is probably one of the most
10 progressive unions in town and the networks and the studios
11 weren't interested in those kinds of stories, they weren't
12 interested in controversy, they wanted kind of Milquetoast
13 stories that didn't get into guts of issues and ideas and
14 there's just one point maybe, that's kind of important.

15 We don't quite understand, like what the Civil
16 Rights Commission's power really is, or what you can do. But
17 really, we had several recommendations that we made to
18 Representative John Moss of the House of Representatives,
19 and I'd just like to repeat a couple of them because I think
20 as a coalition we really feel that government has just got
21 to do something, and one of them is that the FCC standards
22 followed those used by the federal courts in civil rights
23 cases which is really important. They really do. And why
24 doesn't the FCC adopt the Department of Labor's affirmative
25 action plan and follow the recommendations made by your

1 commission? Why don't they? And why doesn't the FCC,
2 395 forms, you know, the employment forms, reflect realis-
3 tic job titles and descriptions within the media? Why
4 doesn't the FCC have a zone of reasonableness in terms of
5 numbers for women, of numbers of women for women than for
6 minorities?

7 In other words, since women are the majority they have
8 a zone of reasonableness for minorities but why don't they
9 also have it for women? That's really important.

10 What has the commission done to allow groups and
11 organizations to find reasons for disparities between
12 employment of women and the percentage of women in the
13 population? They never did that

14 And the other thing we'd really like to strongly
15 object to the 30-day ruling to file petitions for re-
16 consideration, it's absolutely ludicrous. If you're a
17 community group and especially among minorities groups,
18 this is a terrible problem, they don't have money or
19 attorneys or things like that, and the law states that all
20 the commission is required to do is to give public notice.

21 And we think that that is absolutely ludicrous. So
22 people don't have time, they don't even know that they've
23 been ruled upon and then they have, you know, ten days or
24 something to get their act together. And it's -- it's
25 incredible, why should the burden be on the public? The

1 burden should be placed on the broadcasters. You know,
2 they have the money and the time and everything.

3 A (By Ms. Jones) I'd like to point out also, every-
4 thing stems from Washington, we're in California. The
5 great industry is in California, and everything comes from
6 Washington.

7 A (By Ms. Grumet) And it's like two countries.

8 THE CHAIR: Are there any final questions?

9 If not, thank you both very much.

10 Your next witness is Mr. Wendell Green.

11 Mr. Green, for the record, would you state your name
12 and occupation?

13 ..

14

15 MR. WENDELL GREEN

16

17 A (By Mr. Green) My name is Wendell Green, I'm a
18 journalist, I operate a news service. I live at 1575
19 East Santa Barbara Avenue.

20 Q (By the Chair) You have just submitted a written
21 statement to us. Do you have any verbal statement you'd
22 like to make before --

23 A I'd like to read the statement. I just want -- this
24 is a report to the California Advisory Committee to the
25 United States Civil -- United States Commission on Civil

1 Rights, submitted by Wendell Green, Cochairman of the Coal-
2 Coalition for Justice in the Media. October 22, 1976.
3 The organization. Representatives of media women, NAACP,
4 the Southern Christian Leadership Conference, People United
5 to Save Humanity, known as PUSH, the Urban League, the Black
6 Association of Media Members and labor, fraternal, church, civic,
7 social and political organizations along with government
8 officials and concerned citizens, compose the Coalition
9 for Justice in the Media. More than 200 persons have signed
10 with the coalition, volunteering to work on its various
11 committees.

12 Ilka Kay Mays, Wendell Green and Willis Edwards are
13 cochairmen of the coalition, Barbara Mounts (Phonetic) is
14 the secretary, the mailing address is Post Office Box 11164,
15 Washington Station, Los Angeles, California, 90011 is the
16 zip.

17 The major focus of CFJM is the practices and
18 policies of the electronic media in the greater Los
19 Angeles area as they affect Black Americans with special
20 emphasis on local television news operations.

21 The unexplained disappearance of on-camera Black
22 reporters has concerned some members of the Black community
23 for several years. When the news got out that Delores
24 Handy, a very popular on-camera reporter and part time
25 anchor person, was being terminated by KNXT, the reaction

1 in the Black community was such that media women decided
2 to challenge that anger into a positive organization with
3 a broad community base to do something about the rash of
4 dismissals of Black, on-camera reporters. Thus, CFJM was
5 organized.

6 While the termination of Ms. Handy was the catalyst,
7 community anger had been building over the shifting of
8 Jake Jacobs from KNXT to -- news, to KNXT radio and firing
9 of Paul Gardener and Bruce Brown by NBC, and the blacklisting
10 of Brown, preventing his employment by a Detroit station,
11 and the outrageous treatment of Charlie Williams by KNXT.

12 Since the formation of CFJM in January, 1976, 12
13 Black on-camera reporters and anchor persons have been
14 fired by local TV stations. When Ms. Handy was terminated
15 KNXT news director, Jim Topins (Phonetic), issued a state-
16 ment that she had been fired for quote, unprofessional
17 conduct, unquote. Joe Dyer (Phonetic), director of com-
18 munity relations for KNXT, who is Black, coalition got an
19 appointment with Russell Barry, who then was the general
20 manager of the station and discussed the cases of Ms.
21 Williams and Handy. Barry informed the representation of
22 CFJM that Ms. Handy was a very competent reporter and anchor
23 person, he said that the problem was not unprofessional
24 conduct, but a personality clash with the news director,
25 Topins, and other members of the news staff.

1 He said she had a, quote, bad attitude, unquote.
2 He also said that she was very unpopular with the members
3 of the KNXT news operation and detailed the many ways
4 producers, writers, technicians and other people could
5 sabotage the work of a reporter, that they did not like.

6 Barry admitted that Ms. Handy had not been advised
7 or counselled about her personality problems, and bad
8 attitude. All efforts by the representatives of CFJM
9 to work out some kind of compromise were rebuffed by Barry,
10 who was intransigent on the termination of Ms. Handy.

11 Ms. Handy attended the next meeting of CFJM and
12 informed us that the only bad attitude and personality
13 problems was that she demanded that the station live up
14 to its promises to her when they hired her. She denied
15 that she was unpopular with the staff of the news operation,
16 pointing out that members of the news staff had given her
17 support when her dismissal notice was posted.

18 Ms. Handy, who had received an offer to be an anchor
19 person in Washington, D.C., but wanted to remain in Los
20 Angeles, said there had been a not too subtle attempt to
21 kill her D.C. offer by someone in KNXT management.

22 Ms. Williams was urged to move bag and baggage from
23 her home in Baltimore, Maryland, to be the weather person,
24 and given the usual initial six-week contract. She was to
25 replace the weather reporter who had been with the station

1 for many years and was well liked by the news staff.

2 The people who hired Ms. Williams knew her TV
3 experience was limited, and they did not give her the
4 training and support she needed. She obviously was the
5 victim, if you watched the program, of the kind of sabotage
6 that Barry detailed to CFJM and was terminated at the end
7 of six weeks.

8 Barry said that he was fully aware of the hardship
9 that the move to Los Angeles and the short employment
10 created for Ms. Williams, quote, but she just didn't work
11 out, unquote.

12 CFJM decided to place an information picket line
13 around KNXT and announce a picket line press conference.
14 The press conference was attended by three Black reporters
15 from local radio stations and a reporter from Variety.

16 At the second and last information picket line, KNXT
17 sent a camera crew and a reporter for an interview with the
18 CFJM spokesman, an interview that the station never used.

19 While we were picketing a member of the KNXT news
20 staff informed us that the news operation employed approxi-
21 mately 200 people, and except for the on-camera Black
22 reporters, the operation was lily White. The purpose of
23 the picketing was to launch a Black community boycott of
24 KNXT news programs. We knew that they were having rating
25 problems.

1 And this effort we received outstanding support from
2 the Los Angeles Sentinel, the only Black-owned newspaper
3 in our community.

4 Several weeks later the Los Angeles Times did a
5 feature story on the objectives of CFJM. Because the
6 Brown and Carter dismissals were in litigation, we took
7 no action. Ms. Mays discussed the problems in the Los
8 Angeles area with attorney Clarence McGee, a member of
9 FCC Commissioner Judge Benjamin Hook's staff, during a
10 visit to Washington, D.C. McGee advised Ms. Hayes that, not
11 to picket anymore but to draw up petitions addressing our
12 grievances and get them signed by members of our community
13 and mail them to the FCC.

14 We had our legal counsel draw up the petitions, and
15 have been circulating them. A public meeting was held at
16 Second Baptist Church, attended by more than 300 interested
17 and concerned persons, approximately \$600.00 was raised to
18 help finance the activities of the coalition.

19 I mentioned earlier that since the organization of
20 CFJM, 12 on-camera Black reporters and anchor persons have
21 been fired by local TV stations. Ken Jones, who took a
22 rip and read news operation at KTTV and developed it into
23 an hour-long, highly respected and popular news program,
24 was fired when the station changed its news format, despite
25 the fact that he was senior member of the news team.

1 Hugh Williams was lured from his job as a reporter
2 on KABC to anchor the Channel 13 news program. He too
3 was fired for no apparent reason.

4 Lois Haling (Phonetic), who used to produce and
5 anchor the Storefront News, a Black-oriented program, on
6 KCET, was summarily dismissed after filing a complaint
7 with the FEPC. Members of CFJM met with officials of
8 NBC, KTTV, KCOP and KCTV, to discuss Black dismissals and
9 related problems with no positive reaction by the stations.

10 Concerns and goals. The problems of on-camera
11 Black reporters and anchor persons represent only the tip
12 of the iceberg of the concerns of CFJM. Local TV stations
13 must understand that we will not be seduced from pursuing
14 our basic goals by the high visibility of Black reporters,
15 and anchor persons. In other words, I would just like
16 to enlarge on that.

17 In 1942, as a young reporter on the Los Angeles
18 Sentinel, I initiated the fight to try to do something
19 about Hollywood, and the only approach that we could take
20 which was a popular approach, was the fact that the kind
21 of roles that Black actors and actresses were limited to
22 and only integration scenes you saw on -- on motion pictures
23 were in prisons, and they'd have baseball games you wouldn't
24 see Black people on the street or anything, but that --
25 our real aim was to try to get members of the Black community

1 into the skill jobs in the industry, carpenters, painters,
2 grips, electricians and things like that, because prior
3 to the war Los Angeles Black community was a kitchen
4 mechanic community, or you worked for the government.

5 And we were trying to figure out some jobs. The
6 NAACP took over the whole question of Hollywood and they
7 never understood what we were trying to do about jobs for
8 people in the community and they were concerned about
9 images.

10 And they're still concerned about images, they're
11 reading scripts and all that sort of thing. And not really,
12 really addressing themselves to the basic issue of jobs.

13 And this is what we don't want to happen in our drive
14 against the TV stations, to be lulled to sleep by some
15 high visibility people on camera and do nothing about the
16 many jobs that we're concerned about in the industry.

17 Our primary concern is jobs for Black Americans
18 throughout all levels of television in numbers that reflect
19 the percentage of Black listeners.

20 Black people represent approximately 18% of the
21 Los Angeles listening audience. Our goal is 15% employment
22 across the board. From stockroom employees to accountants,
23 lawyers, painters, plumbers, electricians, carpenters, and
24 all the other skilled crafts. 15% of the jobs in all
25 categories in the TV industry.

1 Another concern is that local television news
2 directors shape their news programs to what they think
3 interests the White, middle class housewife in the San
4 Bernadino Valley. The rule is that if it's south of Wilshire
5 and east of Crenshaw, it's not news unless it's spectacular
6 or criminal. Local news programs rarely report positive
7 news about the Black community or give support and exposure
8 to its organization, institutions and community projects
9 with positive programs.

10 Another concern is that there are no Black Americans
11 in decision and policy-making positions in any local news
12 operation. The exception is KCET, where Gail Christian
13 is the news director.

14 Another concern is the lack of implementation of
15 affirmative action programs filed with the FCC during
16 licensing renewal time. And some of the tactics used by
17 some stations to give an impression of minority employment.

18 Some Black technicians attended one of our meetings
19 and informed us that some technicians are kept in a pool
20 for use by the stations as needed. When some stations are
21 up for license renewal, they will hire all of the Black
22 technicians in the pool to pass a visual inspection for
23 minority employment, after the inspection the Black technicians
24 are sent back to the pool.

25 They also told us that qualified Black technicians

1 can not find jobs while White technicians send for un-
2 trained relatives, get them on the job training and get
3 them jobs when they have learned the trade.

4 Some recommendations. Now, we're not suggesting
5 that local TV stations engage in wholesale hiring or firing
6 to meet our goals, and concerns. However, we do think that
7 through attrition and station growth, 15% Black employment
8 in all categories is a reasonable goal.

9 To achieve that we suggest the following: One,
10 immediate implementation of the current affirmative action
11 programs filed with the FCC. The FCC to establish a con-
12 stant monitoring system for an affirmative action program.

13 Two, all stations to establish an on the job
14 program to train Black youngsters for all types of jobs
15 creating a skill bank for jobs when they are available.

16 Three, give the same kind of positive coverage to
17 positive activities, organizations and institutions in the
18 Black community as given to the rest of the city.

19 Our Black executives in policy-making and decision-
20 making positions who are not persons -- yes, persons, but
21 who are respected and whose counsel is needed.

22 During the current election campaign, CFJM is sort
23 of -- is in sort of a hiatus as its members are political
24 activists and all of their time is now taken up with the
25 campaign. The very short notice of the privilege to appear

1 before the advisory committee, did not really give us time
2 for documentation of many parts of this report.

3 Q (By the Chair) Thank you, Mr. Green, and as you
4 gather that documentation up would you please submit it
5 to the staff? I'm sure they'll be in contact with you to
6 secure this supporting evidence.

7 Does the panel have any questions?

8 Q (By Ms. Bernstein) Yes, I have a couple questions.
9 Are there any members who work in the TV stations,
10 either on-camera or behind the scenes, who are members of
11 your organization?

12 A We advise them not to join our organization because
13 we plan some pretty rough tactics and we don't want them
14 to lose their jobs. But the Black Association of Media
15 Members, we -- all of the people on-camera and everywhere
16 else in television, with the exception of a couple of women,
17 joined and attend the meetings.

18 Q Have there been any -- has this taken its toll in
19 any way to the people who have come to the meetings in
20 terms of employment or anything like that?

21 A I didn't hear you.

22 Q Have any of the people who have come to the meetings
23 had any repercussions?

24 A Well, we haven't -- some people who come to the
25 meetings we haven't disclosed their names. But we really

1 advise them not to come because we just didn't want to
2 jeopardize their jobs.

3 Q Have you met with any of the three major local
4 stations and given them copies of your recommendations?
5 And if so, what have been their reactions?

6 A No, we haven't. As I say, we're still in the
7 process of getting our act together, and when we get --
8 when the case is over, we will begin to move.

9 Q Are you aware of any problems concerning unions and
10 opportunities for minorities in television?

11 A Well, you see, in California there is a court
12 decision that you can't have a closed shop and a closed
13 union. However, the unions attempt to maintain a closed
14 shop and a closed union. And management goes along with
15 them. But if all management has to do is hire somebody
16 and that person, all he has to do is join the union, if
17 management wants to hire someone they can hire him.

18 Q (By Ms. McCullough) Mr. Green, you've indicated that
19 since the formation of CFJM, in January, 1976, 12 Black
20 on-camera reporters and anchor persons have been fired by
21 local TV stations. Do you attribute any of those firings
22 to the formation of your group?

23 A Well, I don't know, we put the picket line around
24 KNXT and everybody was aware of it. I think that in some
25 ways it probably was an economic thing, in the case of Ken

1 Jones, he'd been with the station a long time but they
2 didn't want to pay him the money, I guess, that he deserved
3 so they got somebody that was cheaper, and the same thing
4 with Channel 13, I think they got somebody that was cheaper
5 because Hugh Williams had been with them for some time.

6 Q (By the Chair) Mr. Green, you mentioned the fact
7 that an unpopular reporter could have his or her work
8 sabotaged through a variety of means. Could you be a
9 little more specific and give us some examples of this
10 sabotage?

11 A Yes, he said that the cameramen could take shots
12 that couldn't be used, the sound man could garble the sound,
13 the producer could just cut the thing out and put it on the
14 floor, not use it, send you out on the assignment, editor
15 could send you out on a lot of meaningless news stories
16 that they knew they weren't going to use.

17 Oh, he detailed a whole lot of ways they could do it
18 and then he said even in the station itself, you could have
19 problems, you know, with the props and I think this is what
20 --- what Charlie Williams' problem was, some of it. She was
21 inexperienced and they didn't give her the kind of support
22 she needed and she had problems while she was trying to
23 deliver the weather.

24 Q (By Ms. Gillette) Would you relate that to the fact
25 or would you consider it a fact that the stations, then, are

1 doing a token job but really have no intentions of training
2 people or of having minority people succeed on the job so
3 they set them up deliberately for failure?

4 A Yes, I think they do have a program for failure
5 there's no question about it. A tokenism program and a
6 program for failure, and of course, I think that the --
7 that our major weapon, I think the Achilles heel of all
8 of the stations is the news program because they're all
9 carbon copies anyway. And just like when we had a boycott
10 going, say against, we were trying to establish a boycott
11 against the liquor industry to get some employment, we're
12 not going to stop people from drinking whiskey but you could
13 do a selective thing on brands, and I think this same
14 approach would work on the TV people.

15 That we can take a selected process and we know you're
16 not going to stop people from watching their favorite
17 programs on KNXT but maybe we can stop them from watching
18 the news so that it really reflects in their advertising
19 revenues.

20 Q Is there any group that is geared to providing
21 support to minority staff people so that they can succeed
22 on the job in spite of the setup?

23 A Well, it seems to me that's the responsibility,
24 really, of the station, just like we don't want to get
25 into the bit of providing them with a skill bank, you know,

1 of sending people for them to hire, we don't want to get
2 into that, they can find people.

3 If you go to any of these colleges and look at the
4 communication classes, fully one-third of them will be
5 Black students, there are a lot of students who are learning
6 and who have some ability and who have the necessary skills
7 to do the jobs, and once they're at the station it seems
8 to me that if the station is really interested in minority
9 employment, that they will give them the kind of support
10 that they really need to succeed.

11 Q But I have gathered that you and others are of the
12 opinion that the stations don't want them to succeed?

13 A They really don't, but I think that if the revenues
14 of the station are affected enough, then they will want
15 to make them succeed.

16 Q (By Ms. Bernstein) In your statement you talked
17 about petitions that you're in the process of circulating
18 to present to the FCC, what specific issues are mentioned
19 in the petitions and what kind of reaction have you been
20 getting to them?

21 A Well, I don't have a copy of the petition here but
22 I have the language of it. I took it over the phone last
23 night because I had to get this thing together last night.
24 I'll read it if you want me to.

25 Whereas the television and radio stations in the Los

1 Angeles metropolitan area continue to discriminate against
2 the Black community by, one, their failure to provide
3 proper and adequate news stories, talk shows and other
4 programs of special and unique interest to the Black
5 community. Two, their failure to hire and promote numerous
6 competent Black executives, news reporters and technicians.
7 Three, the numerous dismissals of competent Black news
8 reporters, executives and technicians in recent months
9 under questionable circumstances, and for reasons other than
10 lack of competence, and whereas at the local CBS affiliate,
11 KNXT, for no apparent reason, has recently terminated
12 Delores Handy, who by the admission of KNXT is a competent
13 and outstanding journalist, therefore we the undersigned
14 hereby protest the blatant manifestations of racism that
15 have resulted in the termination of Ms. Handy and other
16 competent Black employees from radio and television
17 stations throughout the Los Angeles metropolitan area,
18 and fully support the efforts of CFJM to bring an end to
19 such manifestations of discrimination and racism.

20 Now, this petition was drawn up at the time that
21 Ms. Handy's thing was still in question, there was still
22 a question about whether or not she could legally, had a
23 legal action against the station and she had not decided
24 to go to Washington. Our lawyer is now in the process of
25 drawing up some new petitions which are more in line with

1 some of our concerns which I've just stated.

2 Q What is it exactly you want the FCC to do? What is
3 it exactly you want the FCC to do when you present these
4 petitions, what are you asking?

5 A I don't know, this was McGee's idea to fill it out.
6 He said send us some petitions, now evidently he -- I think
7 the implication is that when the station comes up for
8 license renewal, he will have a stack of petitions there
9 of community concerns.

10 Q (By Ms. Gomez) Mr. Green, you mentioned that you
11 didn't want Black employers -- employees from the stations
12 to join your coalition because you plan some heavy things.
13 How heavy is heavy?

14 A Well, we don't plan any bombings, but as I said,
15 what we really plan to do is to -- I don't want to give
16 away everything we want to do, but one of the things we
17 want to do, as I said, I think the news program is the weakest
18 spot, and that if we can really get a good boycott going
19 on a selective basis of individual, of one station at a
20 time, something like the auto workers do, they whiplash,
21 you know, they go after Ford and leave all the -- everybody
22 else go, until they finish dealing with Ford and that's the
23 kind of thing, and we intend to continue some picket lines
24 and maybe put bumper stickers all over the Black community,
25 boycott KNXT News, if that's the station --

1 Q (By Ms. Gillette) Was part of your concern that
2 that was expressed by previous speakers, that if they allied
3 themselves with progressive or active organization they
4 were subject to retrobution?

5 A Yes. Yes.

6 THE CHAIR: Sally?

7 Q (By Ms. James) Just one question. You mentioned
8 the thing about the pool of technicians. Were there any
9 specific crafts involved or do you -- that you know of?

10 A Well, I think they were mainly sound men and
11 cameramen and I think those are mainly the pool people.

12 Q (By Ms. Bernstein) I have a question. If each
13 minority group who has testified before us has used the
14 idea of boycotting the station. You're going to all cancel
15 each other out by watching different stations, is there
16 any effort being made for all of you to join together?

17 A No, not really and I'm really, I was really con-
18 cerned that some of the members of the committee did not
19 ask about the integration and affirmative action programs
20 of the Spanish-speaking television stations.

21 Q (By Ms. Gillette) Would you like to comment on that?
22 Would you like to comment on that?

23 A Yes, I would be interested in the radio and -- the
24 Spanish-speaking radio and television, what kinds of affirma-
25 tive action programs do they have? I would be interested in it

1 THE CHAIR: As our staff said, that's down the pike
2 so we won't get to that.

3 If there are no further questions, thank you very
4 much, Mr. Green.

5 A Thank you for the opportunity to appear before you.

6 THE CHAIR: And we will adjourn for lunch and be
7 back at 1:00 o'clock.

8
9 (Noon recess)

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1 AFTERNOON SESSION

2 1:15 p.m.

3
4 THE CHAIR: All right, it is now 1:15, we will
5 start the afternoon session.

6 Our first witness will be Mr. Lionel Manargas from
7 the Federal Communications Commission?

8 As you can see we have switched testimony positions
9 a little bit.

10 Everyone will have an opportunity and those people
11 who are not scheduled but who do want to present some
12 testimony, I hope you have contacted Ms. Sally James,
13 so that you can be put on the program.

14 If not, be sure to do that immediately.

15 Mr. Manargas, for the record, will you please state
16 your name and position?

17
18
19 MR. LIONEL MANARGAS

20
21 A (By Mr. Manargas) I'll be very happy to, the name
22 is Lionel Manargas, I'm the chief of the industry equal
23 employment opportunity unit office of the general council,
24 Federal Communications Commission.

25 Q (By the Chair) Thank you, do you have a statement that.

1 you would like to give us first?

2 A No prepared statement. After sitting here for two
3 days I thought it would be better if we went to questions,
4 really. Just a couple of remarks I'd like to make very
5 briefly.

6 One, I'm very pleased to have an opportunity to be
7 here to discuss a lot of the issues that are of concern to
8 respective groups in relationship to the Federal Communi-
9 cations Commission. This is the third opportunity I've
10 had to appear before an advisory group to the Civil Rights
11 Commission in different parts of the country and I hope
12 there are more opportunities in the future to appear in
13 front of other advisory groups in other states.

14 I think, that protective groups find out exactly
15 what's going on in the commission and the procedures that
16 might be necessary to really develop some affirmative
17 action compliance within the commission in relationship
18 to the electronic media.

19 THE CHAIR: Thank you. Are there any questions of
20 Mr. Manargas?

21 Q (By Ms. Bernstein) Yes, I have some.

22 A I would hope so.

23 Q Could you briefly summarize the responsibilities of
24 the EEO office with the FCC?

25 A Yes, there are two offices, equal opportunity offices

1 within the Federal Communications Commission, one deals
2 with, my particular office deals with affirmative action
3 compliance on the part of all of the activities that we
4 regulate. The other office in the commission deals with the
5 affirmative action requirements of the Civil Service
6 Commission in regards to the employees of the Federal
7 Communications Commission?

8 Q How large are the staffs of those two divisions?

9 A The staffs are extremely small, myself and an
10 attorney and a secretary constitute my office, the internal
11 office, there's a director, women's program coordinator,
12 Spanish-speaking affairs coordinator and two secretaries.

13 Q Could you give us the ethnic and sexual makeup of
14 the staffs?

15 A Yes. In my particular office, a Black male, Black
16 female, Black female secretary. The internal office, the
17 director's slot is vacant at the moment, but was filled
18 until May by a Black female. The federal women's program
19 coordinator was White female, the Spanish-speaking
20 coordinator was male Latino, one White female secretary,
21 one Black female secretary.

22 Q Are there equal employment opportunity staff in
23 regional or district offices?

24 A No. The -- there are no regional offices of the FCC.
25 The district offices of the FCC are purely engineering offices,

1 and engineering monitoring offices. Very small staff and
2 concerned primarily with monitoring the stations to make
3 determination as to whether they're meeting the technical
4 standards that have been set out by the commission for
5 operation.

6 Q How many district offices are there?

7 A Oh, there are over 55 district offices throughout the
8 country and off the mainland as well.

9 Q What are the FCC requirements regarding affirmative
10 action for licensing?

11 A Rather extensive, and at the moment, and also a
12 new set of affirmative action requirements are going into
13 operation the 1st of February.

14 There was, within the last two years there was activity
15 on the part of the commission in going over its affirmative
16 action requirements, and the commission did a whole new
17 thing in terms of the demand that will be made now on
18 licensees in regard to our being capable of reviewing
19 their affirmative action procedures.

20 They are very, very extensive in terms of require-
21 ments placed on licensees, I think one of the key things,
22 I've heard so many things, let me address the 395 form.
23 The annual statistical report that is required of all
24 licensees, all broadcasters and cable operators, telephone
25 companies as well. That form is a duplicate of the EEO-1

1 form. Now, there has been some activity on the part of the
2 citizens' groups and other organizations to secure a change
3 in the structure of that form, but under the new rules that
4 are coming out the 1st of February, the broadcaster with
5 50 or more full time employees will have to list every one
6 of the job titles that the broadcasters under the nine
7 categories on the 395.

8 It is my belief that perhaps within the next two
9 years the commission might change the whole structure of the
10 395, so that it is more reflective of the various entities
11 that the commission regulates.

12 Q How are the -- once the forms are turned in are the
13 plans submitted, how is it monitored?

14 A Well, the monitoring really takes place every three
15 years because of the fact that a broadcast operation is
16 licensed to operate for a period of three years. At the
17 time the three years expires, and the operator wishes to
18 continue, the operator has to apply to the commission again
19 for a renewal of that license.

20 It's at that time that everything about the broad-
21 casting activity in the previous three years is reviewed
22 by the commission to make a determination as to whether
23 the license should be renewed or not. It's at that time
24 that the affirmative action program is reviewed.

25 The only other instance where the affirmative action

1 program would be reviewed would be on the basis of a
2 complaint at any time during the three-year period that the
3 commission would decide to investigate the complaint in
4 relationship to the performance of the licensee during
5 that three-year period.

6 Q How are they reviewed, paper, on paper, on sight?

7 A It is a paper review initially, a desk audit in terms
8 of the program that has been filed at the first three-year
9 period, beginning of the three-year period. A review of
10 the two or three-year filings of the statistical reports
11 to make a determination as to whether there has been any
12 movement in terms of the employment of the protected
13 groups, and the statements made within the affirmative
14 action program itself as to whether they have been carried
15 out or not.

16 Q Can you give us sort of a walk-through of, say a
17 complaint is filed --

18 A Right.

19 Q -- what happens?

20 A If the complaint -- let me ask you a question, what
21 type of a complaint? Because this does have a bearing.

22 Q Noncompliance with affirmative action plan?

23 A All right, in an informal manner, filed in an in-
24 formal manner. I can explain that --

25 Q Well --

1 A Let me explain that, I'll make that qualification
2 in terms of the -- anytime within the three-year period an
3 informal complaint filed with the commission is accepted
4 as an informal complaint. The only other time that a com-
5 plaint comes in as a formal matter is for a petition to
6 deny at the time of license renewal and that is within the
7 three-year period.

8 So there are two types of complaints I guess we have
9 to talk about, a formal and an informal.

10 In the case of the informal complaint, at any time
11 during the three-year period, the complaints and compliance
12 division of the broadcast bureau within the commission will
13 review the allegations made in the complaint; send the
14 complaint to the broadcaster for response to the complaint.

15 When the broadcaster responds to the complaint, the
16 broadcaster's response is sent to the complainant as well
17 in order for the complainant to have an opportunity to rebut
18 what the broadcaster might have said.

19 When the response comes in from the initial complainant
20 then three documents, along with all of the other material
21 in relationship to the broadcaster's activity, is reviewed
22 by the complaints and compliance bureau to make a determina-
23 tion as to whether the complaint has substance and is
24 valid and then a determination of what action the commission
25 might take.

1 If the complaint is found to be valid. That's a
2 loose process and less legal process than the formal petition
3 to deny.

4 Q All right, now let's say you determine that it
5 should be followed, then what do you do?

6 A How do you mean, followed? If found that the com-
7 plaint is valid?

8 Q Is valid.

9 A All right, then if the complaint is found to be
10 valid, then the commission has many steps that it can take
11 at that point. Further request for further information
12 from the licensee to make a determination as to how far the
13 commission might go in citing the licensee, it can fine the
14 licensee a certain amount of money, it can impose various
15 kinds of affirmative action standards that it doesn't
16 initially impose upon the licensee, it can even go to the
17 point of issuing a cease and desist order. It can even
18 go to the point of perhaps issuing a hearing order.

19 Q What if the -- a person, for instance, is dissatis-
20 fied with the action that you've taken, are there any
21 other steps that they can take?

22 A Oh, yes, any commission decision is challenged, can
23 be challenged, within the Federal District Court structure.
24 There's no decision that the commission makes that isn't
25 subject to review by the courts on the part of a petition by

1 the complainant.

2 Q So far the examples you've given us are very general.
3 Can you --

4 A That's correct.

5 Q -- can you give any specific instance --

6 A Yes, specific, let me take an individual case of dis-
7 crimination complaint filed by an individual claiming
8 discrimination and filed at any time. Within the commission,
9 there's something that must be said here to clarify some-
10 thing, the commission does not enforce Title VII Civil
11 Rights Act, it does not have that authority, it was never
12 given that authority by Congress. The commission equal
13 opportunity rules are taken out of its own authority in the
14 Communications Act of 1934. Within that act it states that
15 an individual or an organization that desires to be a
16 broadcaster must meet certain standards that the commission
17 can impose under the authority of the Communications Act.

18 Of course, one of the natural standards is quali-
19 fication standards. Qualified to be a licensee. Qualifi-
20 cation meaning that good character, nonviolation of law,
21 therefore the civil rights act being federal law, violation
22 of civil rights act leads to the question of qualification
23 of the broadcaster to remain a broadcaster.

24 So there is that distinction and that difference in
25 that. The commission has no authority to redress and make

1 right or make whole, the claims of an individual of dis-
2 crimination, it can only take action against the broadcaster.

3 The -- as you know, the Equal Opportunity Commission
4 is the one agency that has the authority to make an indi-
5 vidual whole, based upon a complaint of discrimination
6 found to be valid.

7 Q Let's go back to affirmative action.

8 A Right.

9 Q You're monitoring the station, can you give us an
10 example of any station anywhere in the United States where
11 you've monitored, found that it was in noncompliance and
12 then did something?

13 A Yes. At the present moment there are approximately
14 11 stations in different parts of the country that have been
15 designated for hearing, based upon many complaints, in-
16 cluding failure to comply with our rules in affirmative
17 action and equal employment opportunity.

18 These are in different parts of the country. That
19 is perhaps about severest action that the commission has
20 taken in relationship to complaints that include complaints
21 of discrimination.

22 Q Have any licenses ever been revoked?

23 A Not for that reason alone, no. Licenses have been
24 taken away for other allegations and other failures to
25 meet the commission standards, including a failure to abide

1 by the commission's equal employment rules. That's a
2 rare occasion that something like that happens.

3 Q (By the Chair) Mr. Manargas, I'd like to continue
4 along the line of your affirmative action monitoring re-
5 sponsibility. You take the 395 form as the basis for your
6 studies to see whether the station's affirmative action
7 program exists and whether it is in compliance?

8 A That is correct, that in conjunction with the
9 affirmative action program.

10 Q Now, how do you verify the statistics on the 395
11 form?

12 A We don't verify them by any action of -- unless
13 there is a complaint and an investigation is taking place.

14 Q So the stations are, in effect, saying trust us --

15 A That's correct.

16 Q -- I'm telling you the truth --

17 A That's correct.

18 Q -- and you do not go out there and verify whether
19 they indeed have six Blacks or --

20 A No. Not at the time that they are filed by the
21 31st of May, and from that point on, we don't question the
22 validity of the statistics unless there is a complaint
23 involved.

24 Q Does anybody question or doublecheck, spot check,
25 even take one in a 1,000?

1 A Citizens' groups might, yes, and bring it to our
2 attention, but no spot checking or anything like that.

3 Q Is this a policy based on insufficient staff or
4 a policy for other reasons?

5 A Well, I would say a combination. One based, cer-
6 tainly one factor is insufficient staff to monitor 9,000
7 of these 395's at any point in time. And I think the other
8 is, as the Chairlady said, you trust the licensee at
9 that point in time. And all of the material that they file
10 with the commission, unless there is a reason to question
11 that material.

12 So it's policy.

13 Q (By Ms. McCullough) Could you tell us how many
14 complaints of discrimination have been filed or EEO
15 violations have been filed on a year's period of time?

16 A I can't give you a number on that, I would suspect
17 that a great number have been filed. Individual complaints
18 in an informal manner, there's been a large number of
19 formal complaints filed in terms of petitions to deny.

20 Q Do you keep records of complaints that are filed?

21 A Oh, yes, the complaints and compliance office does,
22 my particular office doesn't.

23 Q (By Ms. Bernstein) Can you give us a rough estimate
24 of what percentage of complaints that are filed on a formal
25 basis are, let's say within a year's period, seen or worked

1 on by your office?

2 A Well, let me again make an explanation about my
3 office. My office is a policy advising office, and not a --

4 Q Well, the complaints and re --

5 A -- not a review office. Within the complaints and
6 compliance division and within the renewal branch in terms
7 of formal petitions, I would suspect a number would be
8 somewhere, 100 to 150 a year at least.

9 Q (By Ms. McCullough) Could you explain what you
10 mean by policy advising?

11 A Yes. My particular office has the responsibility
12 to keep the commission apprised of the changes in civil
13 rights act or any court interpretations of the act that
14 would have an implication upon the commission's rules and
15 to make recommendations to the commission as to how it
16 should correct its rules to be more in line with the
17 requirements of the civil rights act as interpreted by
18 the courts.

19 Q So that you would really have very little information
20 in terms of what's occurring with the 9,000 licensees,
21 is that right?

22 A That's correct. Unless there was some occasion for
23 me to pull those statistics together, to have that kind of
24 information distribution and dissemination at meetings like
25 this. Which I'm taking under advisement.

1 Q (By Ms. Bernstein) Has a petition filed by a public
2 interest group ever been supported by the commission?

3 A It depends upon what you mean by supported by the
4 commission.

5 Q So that a licensee was not renewed?

6 A No. As I said earlier, on the basis of failure to
7 comply with the equal employment opportunity rules as a
8 sole determination, no such action has ever been taken by
9 the commission.

10 Q (By Ms. Gomez) What are other violations that you
11 consider strong violations? That would go along with it,
12 name me a couple?

13 A Well, that would be so --

14 Q Just a couple.

15 A Well, blatant discrimination in terms of proven,
16 overt discrimination if possible, which is one of the
17 things that just doesn't occur anymore, it's so covert that
18 it's more difficult to get at it. But subtle forms of
19 discrimination, patterns and practices of discrimination
20 that you -- can be verified, would be the kind of thing.

21 Well, in terms of job requirements and meeting
22 job specifications in applying for a job, we wouldn't
23 accept a typing requirement for a woman who is not going
24 to be employed as a secretary, if the woman is going to
25 be employed in some other capacity where typing certainly

1 is not an absolute requirement, then it would be improper
2 to have typing and typing standards and certain number
3 of words per minute as a requirement for that job.

4 We would be concerned about that kind of requirement
5 in a job situation.

6 Now, that might not necessarily lead to a removal
7 of the license, but certainly if the individual complains
8 about it the commission would make the licensee aware of
9 its attitude towards that kind of improper requirement in
10 a job description.

11 Q (By Ms. Bernstein) Does the FCC have any cooperative
12 agreements with the Equal Employment Opportunity Commission
13 or the General Services Administration? Regarding equal
14 employment?

15 A No cooperative agreements written, there is liaison
16 again out of my office, there is liaison with all of the
17 agencies in Washington that have responsibility in the
18 area of affirmative action for all kinds of business
19 institutions in this country. We have liaison with the --
20 your headquarters in Washington.

21 One of the other agencies that hasn't come up here
22 today and I think should be raised, is the office of
23 civil rights of HEW, health, education and welfare, that
24 has the authority in this area because of grants to public
25 broadcasting institutions. Be they radio or television.

1 And since they are federal government grants, the office
2 of civil rights has some jurisdiction too in this area in
3 regards to affirmative action, and nondiscriminatory policy.

4 Q I have one more question.

5 If the complaint is filed by the community interest
6 group in terms of affirmative action, and you have to go
7 in to monitor, they're complaining that the numbers that
8 were intended to be hired were not hired. How do you go
9 in to check to see whether it's valid or not valid?

10 A Well, it would be determined by the complaints and
11 compliance division as to whether they would make on-site
12 investigation rather than a paper investigation. But they
13 would make that determination based upon whatever informa-
14 tion has been provided by the complaining group.

15 Now, that's a rarity as well. Again because of
16 staff and budgetary limitations to make the number of on-
17 site investigations.

18 Q How many last year were made, do you know?

19 A No, I don't. I had some figures for 1974 and the
20 complaints and compliance division made 74 investigations
21 throughout the country, on-site investigations dealing with
22 other matters along with complaints of discrimination or
23 discriminatory practice.

24 Q (By Ms. McCullough) Do you know the size of the
25 complaints and compliance unit? The staff size?

1 A I think it's 38 people.

2 Q Thirty-eight people?

3 A Yes, 38 people.

4 Q Are any of those people responsible for the specific
5 area of EEOC?

6 A Oh, yes. All of the staff in the complaints and
7 compliance division are capable of, particularly the
8 investigators, are capable of making investigations on
9 all of the areas that the commission could look at in
10 terms of the complaint and EEO would be one of them, yes.

11 Q I would imagine that the areas of the complaint are
12 very, very broad --

13 A Oh, absolutely.

14 Q Requires a very special licensed kind of information?

15 A That's correct.

16 Q So --

17 A That's -- as a matter of fact, that's where most
18 of the complaints have failed, because they have been
19 generalized and I say most of the complaints have been
20 generalized, some of them have been very specific.

21 In terms of specific ones they are usually filed in
22 conjunction with a formal complaint or a petition to deny
23 so that there is a bit more specificity there in regards
24 to the complaints, but the other complaints are so general
25 they're allegations without specificity and therefore it's

1 very difficult to really follow up on that and get anything
2 concrete.

3 The other problem that we have in conjunction with
4 that is an unwillingness and understandable unwillingness
5 on the part of a lot of individuals to file a complaint,
6 because what happens once a complaint is filed, in spite
7 of all of the guaranteed protections that are supposed to
8 exist, harassment does take place. And individual perhaps
9 loses a job, from some other reason. These kinds of things
10 create situations where individuals are naturally hesitant
11 to go through the formal complaining procedures, with us,
12 with EEOC, the Department of Justice, FEPC or any of the
13 courts.

14 Q (By the Chair) Perhaps part of the difficulty is the
15 fact that it seems to take so long before the commission
16 gets to a complaint.

17 Now, how long is the average time that it takes
18 from the filing of a complaint to the final determination?

19 A Forever.

20 I'm not being flippant.

21 VOICE: Right on.

22 A I am not attempting to be flippant in front of you,
23 but it's a long time, and one of the things that I have to
24 get back to, what I said earlier, is that we do not have
25 primary jurisdiction over that complaint.

1 When we get an individual complaint of discrimination
2 that affects any of our licensees that have 15 or more full
3 time employees, the law requires us to submit that complaint
4 to EEOC for handling of the primary jurisdictional matter.
5 We can only await the outcome of the EEOC process.

6 Q How do you respond once such a determination has
7 been made, we've heard allegations, this morning, that the
8 complainants themselves have not received any information
9 from you in terms of the final outcome of some of these
10 decisions.

11 A That's probably because we haven't received any
12 information in terms of final outcome.

13 Q Well then, how does the Los Angeles Times get
14 information before you do?

15 A I didn't hear it.

16 Q How does the Los Angeles Times get information
17 before you do?

18 A Well, you'd be surprised how capable the press,
19 printed press particularly in Washington, is capable of
20 getting information out of the commission before we even
21 know it on different floors. That's really the only
22 answer I can give you.

23 Q So your agency is incapable of handling this and that
24 there is some major communication foulup --

25 A There is some major communications delays, there are

1 staff problems in terms of numbers of staff in different
2 areas.

3 Q Why hasn't this been corrected since the problem
4 apparently exists?

5 A Well, it hasn't been corrected because the commission
6 has not gotten sufficient money from Congress.

7 Q What's the composition of the commission? ~~how do~~

8 A How do you mean, at the commission level itself?

9 Q Right.

10 A The commission is headed by seven Presidentially-
11 appointed commissioners confirmed by the Senate. At the
12 moment there are a full complement of commissioners on hand.
13 There are, let's see, there are four White males, one --
14 five White males, one Black male and one White female.

15 Q And ultimate accountability for all of these goings-on
16 rests with the commission?

17 A That's correct, when you use it in that strict
18 sense, meaning the seven commissioners, yes. All authority
19 rests within their hands.

20 Q (By Ms. Gillette) It was my impression that one of
21 the problems in communication had to do with the amount of
22 time that was given to respond once a decision had been
23 made?

24 A Yes. A 30-day notice is given in terms of an appeal
25 to a commission decision for further appeal at the commission

1 level. It's given within a 30-day period.

2 Q And it would seem that a quick way to remedy that
3 situation is to make the 30 days start once the person is
4 notified?

5 A Is notified. I agree with that personally, I --
6 there's something that I have to question when I go back,
7 because I heard it here today and I'm really not sure of
8 it, but in a due process situation, under a formal complaint
9 which would fall under due process situation, it would be
10 rather unusual that the counsel for complainant was not
11 immediately notified of action of the commission, that
12 would be a failure of due process.

13 I can't imagine the commission with the number of
14 lawyers that it has there, failing in a due process situ-
15 ation to immediately notify both counsels, you know, of
16 the outcome of a situation. But I do want to check on
17 that when I go back.

18 THE CHAIR: Are there any other questions?

19 Q (By Mr. Glick) Yes. Mr. Manargas --

20 A Yes.

21 Q -- the major weapon in the arsenal of the FCC in
22 enforcing the Communications Act of 1934, in the public
23 interest as it's required to do, is the withholding or
24 granting of licenses --

25 A Correct.

1 Q Which it carries tremendous economic implications?

2 A Correct.

3 Q And when there are complaints from citizens' groups
4 as you heard discussed this morning from the Los Angeles
5 Women's Coalition for Better Broadcasting, these are re-
6 ceived as paper complaints by the commission. And they
7 are responded to by the licensee. There is not an oppor-
8 tunity for a hearing granted, is there?

9 A No, not unless the commission makes a determination
10 that there is sufficient material of substantial fact there
11 to warrant calling a hearing to make a determination out
12 of that hearing.

13 Q So what it is, actually, is kind of like an appellate
14 court judging on the merits of the briefs that are pre-
15 sented to it?

16 A That's correct.

17 Q So that it might seem --

18 A In the informal or the formal process.

19 Q Well, in the formal process.

20 A Well, I'm saying in either one.

21 Q But in the formal process then, it would seem that
22 the party that presents its information and its facts in
23 the best written manner, in the manner most calculated to
24 appeal to the kinds of persons who are commissioners, would
25 have the fairest chance of success?

1 A Conceivably, yes, yes, I grant that on a conceivable
2 basis.

3 Q Which would seem it follows that a very difficult
4 burden is placed on citizens' groups who have the same
5 interest in the licensing or withholding of licenses that
6 the licensees do?

7 A I agree with that on a personal basis. It is rather
8 new in this country that the citizenry of this country has
9 gotten involved in the licensing process, the awareness of
10 the fact that a holder of a license is acting as a fiduciary
11 for the public for a short period of time.

12 This is a very, very new kind of awareness on the
13 part of the public. And the public is making great inroads,
14 in my opinion, in attempting to deal with that from the
15 public point of view.

16 The burden, unfortunately, at the moment is on the
17 public because the public doesn't have the resources that
18 the licensee has nor that the commission has to come up
19 with the necessary kinds of information that perhaps could
20 call a question of a hearing.

21 Q Mr. Manargas, the California State Advisory Committee
22 will be making recommendations to the commission, which the
23 commission may very well -- will consider and may very well
24 pass on to the FCC. Now, in the light of the discussion
25 that we have just had in your own personal view, how would

1 you frame a recommendation to the FCC to make it more
2 possible for citizens' groups to compete on a fairly even
3 level with the stations, the licensees?

4 A One of the recommendations I would make to the
5 commission as well as the public sitting in here, is that
6 you both get involved in a current rule-making, petition for
7 rule-making that is in front of the commission, asking
8 that citizens' organizations dealing with the commission
9 have some opportunity to be recompensed for their expense
10 in dealing with the commission, having some payment from
11 the commission to provide them with the legal facilities
12 and legal services required to pursue an effort on their
13 part. That rule-making is in front of the commission now,
14 is open in terms of still receiving comments as to whether
15 the commission should do this or not.

16 It's also being supported by the Federal Communications
17 Bar Association in Washington, that citizens' groups have
18 some opportunity to be funded to some extent when they
19 are pursuing activity in front of the commission.

20 That would be one of my strongest recommendations.

21 Another recommendation I would make to you that one
22 of your own Congressmen from the State of California, Represen-
23 tative Miles Van Dearn, is now the chairman of the sub-
24 committee on commerce and communications that does oversight
25 on Federal Communication Commission. And the chairman has

1 indicated that the next session of Congress begins, he's
2 going to have his committee prepare, or rather start the
3 preparation of writing a new communications act to bring it
4 up into the 21st Century.

5 I would certainly suggest that the citizens here
6 as well as this advisory committee and the U.S. Civil
7 Rights Commission itself, have input into the rewrite of
8 the communications act. A new communications act that can
9 deal with the matters that are current today and will be
10 current tomorrow, hopefully this whole matter of dis-
11 crimination won't be as current tomorrow as it is today.

12 MR. GLICK: Thank you, Mr. Manargas, that's very
13 helpful.

14 THE CHAIR: Are there other questions of Mr.
15 Manargas?

16 Sally?

17 Q (By Ms. James) I have a couple short ones.

18 You mentioned that in individual complaints those
19 are automatically referred to EEOC, is that correct?

20 A If the employer has 15 or more employees. If the
21 employer has fewer than 15, then we handle it. Unless --,
22 unless it falls under the authority of the state that has
23 the civil rights commission.

24 Q Do those complaints, however, also, a copy of them
25 be retained in that station's file?

1 A Oh, yes, within the file at the commission any
2 material that comes in in regards to an individual licensee,
3 becomes part of the file of the licensee.

4 Q Is there an automatic formal procedure for when
5 EEOC resolves the case that that information automatically
6 goes back to SESC, so you know when --

7 A No, there is no formal procedure at the moment
8 where decisions on the part of EEOC regarding broadcast
9 operation or telephone operation or cable operation are
10 kicked out and referred to us, unless we stay in contact
11 with them.

12 Q So, when, say a station comes up for license renewal
13 and you have a stack of complaints in there, you don't
14 know how they've been resolved?

15 A No. We have to hold up a review of, or not the
16 review, the finalization of that particular license until
17 we can get information from other sources.

18 Q So you do go and ask EEOC?

19 A Oh, yes. Oh, yes, yes.

20 Q Just two other things.

21 You mentioned that there are going to be new re-
22 quirements coming into effect next February and you mentioned
23 that the 395 you're going to ask for. Do these new re-
24 quirements include a requirement equal opportunity program
25 have goals and timetables?

1 A No, the new requirements won't require goals and
2 timetables unless the commission finds that it would be
3 necessary to impose goals and timetables on the broadcaster.

4 Q My final question is, does the FCC itself have an
5 affirmative action plan? And if so, what are its goals
6 and timetables?

7 A Yes, it's required to have an affirmative action
8 plan under the authority given the Civil Service Commission
9 and it does have goals and timetables in these various
10 areas of activity within the commission. All the bureaus
11 and like that, there are goals and timetables.

12 Q Would it be possible for you to provide the committee
13 with a copy of that?

14 A Oh, of our plan? Oh, surely.

15 Q (By the Chair) And along with that question, Mr.
16 Manargas, you stated that you have Black employees, White
17 employees, women employees, do you have any Asian employees,
18 Indian employees or Spanish-speaking Americans?

19 A Yes, we have all of the protected groups are employed
20 at the commission, not in great numbers in some instances,
21 I mean no question about that.

22 Q Well, how about in your office as we deal with
23 equal employment opportunities?

24 A Yes, I have three people, including myself, within
25 my office, all three Black.

1 Q How about Spanish-speaking, Asians or Indians?

2 A There are Spanish-speaking employees in other parts
3 of the commission in professional and nonprofessional
4 levels. There are Asian and Pacific citizens in professional
5 and nonprofessional levels within the commission.

6 Q And not in your --

7 A Well, I only -- I'm not a division, I'm a unit,
8 three people, but within the office of the general counsel
9 itself, which is fairly large, with a great number of
10 attorneys, there are Lat -- Latino attorneys and that's it,
11 really. In the general counsel office.

12 Q And the rest of the minorities fall into your
13 clerical staff?

14 A Yes, within that particular office, but within other
15 parts of the commission we have professional people of
16 the other protected groups.

17 Q In decision-making capacities?

18 A Oh, no, no. No, there's only one minority decision-
19 maker at the commission, that's Commissioner Hooks, the
20 rest of us are -- we're to stay --

21 Q Below the commissioner level?

22 A Beg your pardon?

23 Q Below the commissioner level?

24 A Semi-decision-making, assistant bureau chiefs,
25 which would be the next highest, that's the extent of it, yes.

1 Q One final question. You are now speaking of Asian
2 and Pacific Americans, in your verbal testimony, are you
3 planning to revise form 395 and take out the word Oriental
4 as stipulated?

5 A Yes, as a matter of fact, we were waiting, you know,
6 the EEOC recently finalized the revision of the headings
7 on its EEO-1 form, and we were waiting through GAO for
8 the final approval of the new form by the Equal Employment
9 Opportunity Commission, based upon that we are going to
10 make recommendations that the commission change its form
11 395 so that it really reflects more accurately the various
12 ethnic groups.

13 THE CHAIR: Thank you. Thank you very much, Mr. --

14 Q (By Ms. Gomez) I wanted to ask one question.

15 THE CHAIR: Oh, I'm sorry.

16 Q (By Ms. Gomez) We've had concern in the Latin
17 American community with regards to the nonrepresentation of
18 Spanish-speaking commissioners on the FCC. How -- what
19 would you have to recommend to this community so that they
20 can get a commissioner appointed to this commission? They've
21 tried everything.

22 A Yes. Well, the process is a process of constantly
23 being in touch with the White House, it's a political
24 process. The first effort for the appointment or the
25 recommendation of an individual to be a commissioner comes

1 through the White House to Congress. So it's a totally
2 political kind of activity that a group would have to take
3 to make sure that some recommendations come forth from the
4 White House, and then, after that, then you have to make
5 effort within the Senate itself to make sure that the Senate
6 votes, the Senate Commerce Committee has awareness of these
7 recommendations and gives some consideration to the ethnic
8 makeup of the various commissions.

9 It's a total political process, there's no other way --

10 Q Starting with the White House first?

11 A Absolutely.

12 Mr. DeBaca (Phonetic) in the White House and Mr.
13 Calhoun in the White House at the moment would be contacts.

14 THE CHAIR: Are there any other questions?

15 If not, thank you very much, Mr. Manargas, for your
16 very helpful and cooperative testimony.

17 A Thank you.

18 THE CHAIR: Our next scheduled attorney is Ed Shultz,
19 for CBS, speaking for KNXT.

20 It has been brought to my attention that the CBS
21 representative is not here, but has left a statement. I'm
22 going to ask Mr. Glick to read that statement to us at
23 this time?

24 MR. GLICK: We've received a letter from KNXT
25 signed by Christopher P. Desmond, who is the vice president

1 and general manager, it's addressed to Herman Sillas, who
2 is the chairperson of the California State Advisory
3 Committee to the commission. It's a fairly lengthy document
4 but I think it will prove of interest. It's dated October
5 22, 1976.

6 Dear Mr. Sillas, pursuant to the discussion with
7 Edward Shultz, CBS law department, Sally James of your
8 staff, this letter is submitted in response to your letter
9 dated October 8, 1976, to KNXT, requesting answers to
10 specific questions relating to equal employment opportunities
11 for women and minorities at KNXT.

12 KNXT is fully aware of the difficulties encountered
13 by women and minorities in seeking employment opportunities
14 free of discrimination by reason of race, color or sex.
15 We welcome the invitation of the California State Advisory
16 Committee to the United States Commission on Civil Rights
17 as an opportunity to relate the efforts which KNXT has
18 made and is currently making to insure that no qualified
19 person is denied the opportunity of competing for work at
20 KNXT because of race, color or sex.

21 As requested by your staff, we are attaching our
22 most recent FCC form 395 report, Exhibit A, also attached
23 for your information is a copy of KNXT's equal employment
24 opportunity program as filed with the Federal Communications
25 Commission on August 1, 1974, as part of the station

1 application for renewal of license. Exhibit B, this pro-
2 gram of course, does not describe the other programs and
3 efforts by CBS covering other operating units of the company.

4 On behalf of minority and female training and advance-
5 ment.

6 Since your staff has indicated that its investigation
7 relates solely to KNXT, the information provided is limited
8 to KNXT. KNXT is owned by CBS Incorporated, a New York
9 corporation with headquarters in New York City. CBS policy
10 of equal employment opportunity has been one of longstanding
11 as demonstrated by two CBS policy notes from the president
12 relating to equal employment opportunities for minorities
13 and women which are included in Exhibit B.

14 As a result of our continuing efforts KNXT now
15 employs many women and minorities, many in positions of
16 responsibility. Among the positions filled by women and
17 minorities are, manager of broadcast operations, sales
18 services administrator, administrator sales traffic,
19 manager sales traffic, director of communications, design
20 manager, manager of financial services, and executive
21 assistant to the general manager.

22 A more complete list is attached as Exhibit C.

23 It is clear that KNXT has many women and minorities
24 on its staff and that many are working in higher level
25 positions.

1 Indeed, Connie Chung, coanchor of the evening news
2 at KNXT, is an Asian American woman. CBS has a longstanding
3 and firmly established policy of encouraging internal
4 promotions. During the past year, for example, a number of
5 women and minorities have been promoted at KNXT and from
6 other CBS locations to KNXT.

7 For example, a woman employed as an executive
8 assistant to the general manager at KMOX-TV, St. Louis,
9 was transferred and promoted to the position of director
10 of communications at KNXT. A list of other promotions
11 is attached as Exhibit B.

12 The KNXT equal employment opportunities program as
13 set forth in Exhibit 6 of the station's 1974 license
14 renewal application.

15 Of course, due to the passage of time, changes and
16 modifications have been made to strengthen some of the
17 programs described therein.

18 The minority scholarship program described in
19 paragraph E has resulted in numerous awards to minorities.
20 The college internship program, as described in paragraph
21 H, provided television training for nine men and 11 women
22 including seven minorities.

23 In 1975, KNXT initiated a six-month news writer
24 intern program for minority and women candidates, one Asian
25 American woman and one Black woman have completed the intern

1 program. One intern is presently employed by the station
2 as a production assistant in the broadcast department.

3 Further, the tutorial internship program described
4 in paragraph F, continues to provide experience for women
5 and minorities.

6 In 1976, KNXT initiated a high school summer program,
7 five students representing a cross section of the community,
8 Asian, Caucasian, Black, Mexican-American and American
9 Indian were employed for ten weeks in the station's news
10 planning and administration, community relations and com-
11 munications departments. The students were selected through
12 the assistance of community groups such as Asians for
13 Fair Media, and the American Indian Scholarship Fund.

14 KNXT intends to follow the students through their
15 college careers and anticipates providing employment each
16 summer for them.

17 The station's community relations department serves
18 as a continual point of contact for minority and women
19 applicants. For example, during February, 1976, KNXT
20 presented a media workshop at the Los Angeles Indian Center.
21 Similarly, the community relations department has continued
22 to coordinate with other community organizations which
23 serve as a source of minority and women applicants such as
24 the urban league.

25 Several persons presently employed by the station were

1 referred through such organizations.

2 KNXT believes that complaints, comments and sugges-
3 tions from the public can provide a most helpful gauge of
4 its effectiveness. In recognition of its responsibility
5 the station has established procedures for considerations
6 of such communications. See Exhibit 3, Section 4B. KNXT
7 1974 license renewal application.

8 The station also meets with and actively seeks
9 meetings with numerous community groups. The director of
10 community relations, his staff and the station's manager,
11 meet with community representatives on a direct basis.
12 KNXT does not have its own personnel office, coordination
13 of personnel and payroll matters for the station is
14 handled by KNXT director of planning and administration
15 and the director's assistant, the Los Angeles CBS personnel
16 department, provides a full range of personnel services
17 to KNXT, as it does to other CBS elements in Los Angeles.

18 The station's community relations department coordin-
19 ator meets with the CBS personnel department in Los Angeles
20 to recruit minorities and women. The personnel department
21 also provides assistance for the station's training programs
22 such as the intern program for news writers.

23 Further, during the past year several employees of
24 the station, including women and minorities, have received
25 on the job training designed to prepare them for promotion.

1 The CBS personnel department in New York has a
2 career inventory system which is computerized and serves
3 as a source for minority and women candidates for pro-
4 motion throughout the company.

5 For example, within the past year a Black male
6 employee identified through the system, was promoted to
7 the position of supervisor of credit and collections at
8 KNXT. The system is described in a document captioned
9 career inventory instruction manual, which is attached as
10 Exhibit F.

11 News and public affairs documentaries are produced
12 by KNXT staff and not by freelance producers.

13 Statistical summaries are not available regarding
14 the number of women and minority per diem employees and
15 would be burdensome to produce. However, KNXT follows
16 its policy of nondiscrimination with respect to per diem
17 employees.

18 Finally, no vacation relief writers have been employed
19 as staff writers during the past year. Very truly yours,
20 Christopher Desmond.

21 Now, they have, Madam Chairperson, have included
22 all these exhibits, but obviously the staff has had no
23 opportunity to analyze them and I don't think it would be
24 fair for us to comment on them.

25 But I would like to advise any members of interested

1 groups that these documents will be available at our
2 Western Regional Office for their inspection.

3 THE CHAIR: Would you like to give the address of
4 the Western Regional Office in case anyone does want to?

5 MR. GLICK: It's in the Federal Courthouse Building
6 at 303 Spring Street in downtown Los Angeles.

7 MS. JAMES: Three-one-two.

8 MR. GLICK: Okay, 312 Spring Street

9 THE CHAIR: Ms. Gillette, although I appreciate
10 the amount of information that KNXT has sent us this after-
11 noon, I think the fact they have not appeared indicates
12 the depth of their commitment to affirmative action.
13 Therefore, I move that we add KNXT to Mr. Sillas' letter
14 to the United States Commission on Civil Rights to ask
15 that they subpoena KNXT along with the movie studios to
16 appear in person to respond to any questions that the
17 United States Commission on Civil Rights may have.

18 MS. GOMEZ: Second that.

19 THE CHAIR: When we have our break we can act on
20 that issue. Thank you.

21 MS. HATFIELD: Madame Chairman, I beg to differ,
22 but I demand we take a voice count since a motion has been
23 made and it has been seconded.

24 THE CHAIR: Just in the interest of time, Sally,
25 what do you say to that?

1 MS. JAMES: You can vote on it.

2 THE CHAIR: Okay. Is there any dissention or dis-
3 agreement with that motion?

4 No?

5 So ordered.

6 Our next person to appear before us is the vice
7 president and general manager of KNBC, Mr. Tom Straszewski.

8 Do you have a statement you would like to give us
9 first, Mr. Straszewski?

10

11

12

MR. TOM STRASZEWSKI

13

14

15

16

A (By Mr. Straszewski) Yes, I do, as soon as I can
get it out, it's a very brief statement that I would like
to read.

17

18

THE CHAIR: Again for the record, although I
mentioned it, would you identify yourself, please?

19

20

A Yes, I am Tom Straszewski, the vice president and
general manager of KNBC in Los Angeles, the NBC station.

21

THE CHAIR: Thank you.

22

23

24

25

A I'm here to discuss KNBC's affirmative action efforts
with you and to try to answer your questions regarding
those efforts. Perhaps would be useful before starting
the discussion for me to say just a few words about the

1 overall results of KNBC's affirmative action efforts.

2 We believe that we've made substantial progress,
3 we also believe we have a long way to go. Our affirmative
4 action plan as written covers the usual things that are
5 in such plans, policy statements, recruitment, hiring,
6 promotion and training. But I'm sure that you are more
7 interested in results than in plans.

8 According to the latest industry comparisons
9 available, which are based on 1975 reports, covering the
10 25 largest markets in the country, KNBC has more minority
11 employees than any other television station in the United
12 States, except for the NBC stations in New York and Chicago.

13 Among television stations at the top 25 markets,
14 KNBC has a higher percentage of minority employees than
15 all but four stations and three of these stations broadcast
16 in the Spanish language and the fourth is NBC's Washington,
17 D.C. station.

18 In so far as female employees are concerned, according
19 to the same industry comparisons, KNBC has more female
20 employees than all but three other stations in the United
21 States, two of which are NBC stations. And on percentage
22 of female employees, taking again the top 25 markets,
23 KNBC's record is almost as good.

24 Our record has improved since then. As of the end
25 of last month minorities made up 30% and females 31% of KNBC's

1 total employment. We understand, of course, that total
2 employment figures do not tell the whole story. That the
3 types of jobs which are being filled by minorities and by
4 women are extremely significant in evaluating the results
5 of any affirmative action program.

6 Taking the top EEOC categories of employment only,
7 and those are officials and managers, and professionals,
8 almost 25% of the employees at KNBC are women and almost 25%
9 are minority.

10 We understand that these meetings are particularly
11 concerned with decision-making positions in news and public
12 affairs programming. If we include all the job categories
13 that determine what goes on the air, that is from writers
14 to producers to department heads and local news, over 20%
15 of such employees are minority and over 20% women.

16 In public affairs programming, the figures are over
17 25% minority and over 40% women. Categories included are
18 program department executives, producers and associate
19 producers.

20 That completes my prepared statement at this time.

21 THE CHAIR: All right. Thank you very much.

22 I believe, Ms. Davis, you wanted to start off?

23 Q (By Ms. McCullough) All right. I'd like to know,
24 is management at KNBC provided any program to sensitize them
25 to the diverse communities they serve?

1 A Do you mean formal programs?

2 Q Yes.

3 A We have one planned, which will take place in
4 February. It's going to be conducted by an outside firm,
5 Erlane (Phonetic), Hernandez and Associates. It will in-
6 clude between 20 -- 25 and 30 people at KNBC and it is
7 designed to provide us with the sensitivity training speci-
8 fically in this case with the female aspects of our community.
9 And we'll see what happens after that one takes place. But
10 that will take place in January of next year.

11 Q I see. Have you determined a need to have similar
12 programs for other groups of people as minorities?

13 A We have considered it, since as I mentioned we will
14 be trying this one first but I think we will take our
15 experience from there and go on. I really don't know at
16 this time.

17 Q (By Ms. James) Excuse me, may I interrupt, some of
18 these questions were provided to you ahead of time and so
19 you -- are you prepared to answer verbally those questions
20 that we provided to you?

21 A As best I can, yes.

22 Q Okay.

23 A I will try.

24 Q (By Ms. McCullough) Okay. Could you tell us what
25 positions are the decision makers in the news programming?

1 A Well, I mentioned that in my opening statement --

2 Q Twenty percent?

3 A Yes, they would range all the way from the writers,
4 the producers to the management people in the news department.

5 Q Could you give us the ethnic distribution of that
6 20%?

7 A I don't have that with me at this time.

8 Q I see, could you make that available to us?

9 A Yes, I can.

10 Q How often do managers of public affairs documentaries,
11 Saturday and Sunday shows, meet?

12 A Well, in the case of the public affairs programming,
13 the Saturday and Sunday show, they're not as -- there's a
14 weekly formal meeting set up but when you're producing a
15 show, it can't be done just on one meeting a week, that
16 goes on really throughout the whole week.

17 In the case of documentaries, they are done over a
18 period of time and from the inception they go right on, un-
19 fortunately right up to almost air time in some cases.

20 Q Are any of these managers women or minorities?

21 A Yes, they are. I mentioned the makeup again in my
22 opening statement, that it was 25% minority and 40% women.

23 Q So it would hold true for these particular positions,
24 is that right, that percentage?

25 A Well, in the documentary it's -- the documentaries are

1 a little bit different, since 1974 we have produced at
2 KNBC, 38 local documentaries, the producers of those docu-
3 mentaries, the breakdown there would be 34% women and
4 24% minority.

5 Q (By the Chair) The documentaries are special
6 programs --

7 A Yes, they are.

8 Q How about the ordinary program that goes on every
9 week?

10 A I mentioned those figures earlier, again the minority
11 was 25%, and women, 40%. On the regularly scheduled public
12 affairs programming.

13 Q Then how many of these women and minorities are the
14 producer level? How many of them are secretaries?

15 A There are no secretaries of those figures I pro-
16 vided. There are no production assistants in those figures
17 I provided.

18 Q (By Ms. McCullough) How are the producers selected?

19 A They're selected, producers in what area?

20 Q In any of the production areas, documentaries?

21 A Well, in the documentaries, virtually all of our
22 documentaries are produced by freelance producers. They
23 submit topics to the program department at KNBC, and if the
24 topic is selected and decided to be produced, that will be
25 the producer of that documentary. It's --

1 Q (By the Chair) Do your freelancers walk in off the
2 street or do you have a list of freelancers?

3 A Some walk in off the street, some have come to us
4 before and come back again and again and again. There is
5 no magic formula to where they come from, the diversity of
6 our documentaries I think would speak for that.

7 Q (By Ms. Gillette) And when you make up these statistics,
8 you're including these documentary freelance producers?

9 A For the statistics that I mentioned in the documentary
10 unit, yes. The public affairs programming that we carry
11 is regularly scheduled. They are freelance people but they
12 work 52 weeks a year on this particular program.

13 Q (By Ms. McCullough) In a year's time how many
14 people work as temporary or per diem employees?

15 A I checked back through 1970 on that and got, we had
16 a total of 409 people, and the breakdown on those figures
17 were 61% male, 39% female, and 33% minority.

18 Q Do you have the distribution figures for the minority
19 group?

20 A No, I don't.

21 Q Can you provide those to us as well?

22 A I can try, that's a --

23 Q Are any of the employees who are categorized as
24 temporary or per diem workers, do they work more than 30
25 hours a week?

1 A Are you referring back to the 40% figure that I gave
2 you?

3 Q Yes.

4 A I'm sure in some cases they probably did, and in
5 some cases I'm sure that there was somebody that came in
6 one day to help out with something. I don't have a break-
7 down as to the hours worked.

8 Q In that case I'd like to ask if any of these people,
9 this count included in your Federal Communication Commission's
10 395 report?

11 A No, they are not.

12 Q They would not be counted in that report?

13 A The 395 report is made up of full time staff people,
14 that does not include freelance and it does not include
15 the casuals or the per diem people.

16 Q What constitutes full time, how many hours per week?

17 A It means being on the staff of KNBC.

18 Q On staff. Could you tell us what the functions
19 of an editorial assistant might be?

20 A Yes, the editorial assistant position exists in the
21 news department. And in some of the functions are they
22 monitor both the wires and the incoming news feeds from the
23 NBC news, they distribute copy, they are asked to check
24 out stories perhaps on the phone or in any other method
25 they might be asked, and I also understand from time to time

1 they may be upgraded to writer.

2 Q Could you tell us how many of the Black professionals
3 are editorial assistants?

4 A Well, we do not classify editorial assistants
5 as professional. On 395 form they appear in the clerical
6 function.

7 Q In the clerical function?

8 A Yes. However, the breakup, we currently have eight
9 editorial assistants, and there are three Spanish surnamed,
10 one Asian, two Black, two women.

11 Q Do you provide training or are editorial assistants
12 trained for their jobs?

13 A The training of editorial assistants again re-
14 stricted to the news area which is the only place that
15 position exists at KNBC, is done on a vacation relief
16 basis. There is a period of months throughout the year
17 where we, due to vacations, hire people as vacation relief
18 editorial or are you talking about the news writers,
19 excuse me?

20 Q Yes.

21 A As news writers --

22 Q News writers or editors?

23 A News writers. And during vacation relief period we
24 consider that an opportunity for us to look and train with
25 them and perhaps at some future time they may be hired on

1 as full time.

2 Q How do you select these people for the vacation
3 relief, for the training?

4 A In the news area?

5 Q Yes.

6 A I don't have that information. That is done by the
7 director of news, west coast, and I've never really gotten
8 into that with him.

9 Q Are there job descriptions or --

10 A NBC personnel does maintain job descriptions of
11 those people working at KNBC, the staff people --

12 Q (By Ms. Hata) May we have copies?

13 A That I don't know, I'd have to check.

14 Q How many of these two women are minority women?

15 A Pardon me?

16 Q These two women you mentioned that are editorial
17 assistants, how many of them are minority women?

18 A I don't believe the breakdown I have here does
19 not indicate that they are minority women.

20 Q So you don't know if they're being counted twice
21 or not?

22 A No, I've given you a total of eight people in that
23 area, and that's the number that we have so I'm not doing
24 any double counting there.

25 Q (By Ms. McCullough) In 1973 were there any permanent

1 job assignments given to minorities in the top four job
2 categories?

3 A Yes, are you referring to some of the information
4 we've submitted?

5 Q Yes.

6 A Yes. The information you have lists a number of
7 promotions that took place in 1973 within the minority and
8 women category. Into the top four there were -- let me
9 back off a second. There were 34 positions, 34 promotions
10 in the top four categories. 22 of those came from without
11 -- outside of the previous top four positions and 12 were
12 within top four.

13 Q These are permanent jobs that we're talking about?

14 A Those are permanent jobs, yes.

15 I might add that is an NBC west coast report. For
16 KNBC only, which I am responsible for, since 1973 there
17 have been 17 promotions into the top four category. Of
18 those 17, 13 have been female and 10 minority.

19 Q Of that 13 female group, do you have a breakdown
20 in terms of ethnicity for the females?

21 A I have it available back in my office, yes.

22 Q You could make that available to us, we'd appreciate
23 it.

24 A Sure.

25 Q In terms of promotion to vacation relief positions,

1 do those promotions become permanent?

2 A They could. There is no guarantee that they will.
3 If the job is open and the person was selected, yes, it
4 could happen. But there is no guarantee.

5 Q I see. Do you have some recent figures in terms
6 of how many did become permanent?

7 A Not on vacation relief, no, not with me at this time.

8 Q I see, could you provide that?

9 A I can try.

10 Q In the NBC, in the KNBC affirmative action plan
11 submitted to the Federal Communications Commission, where
12 the goals for the licensing state 28.7% minority and 30.6%
13 female -- I'm sorry, and 30.6% female employees. We note
14 that on your 1974 Federal Communications Commission 395 form,
15 these goals were not met. They are met?

16 A Yes, they are.

17 Q I see.

18 A They're exceeded, I have the figures that were filed,
19 the '75 report, and the employment figures indicate they
20 are the females, 33%, these figures are rounded that I'm
21 using, is 33% and minorities 30%.

22 Q Thirty-three percent for minorities?

23 A No, 33% female, 30% minority.

24 Q Okay, our figures are wrong for this. In view of
25 that statement, could you tell us what your goals for the

1 top four categories are and when you plan to meet them?

2 A As the gentleman prior to me being up here mentioned,
3 we, as recently as two weeks ago, started planning to file
4 our new application next year. We're into that right now.
5 Would have been into it more save for preparing for some
6 of this. That would be, I expect it to be in our license
7 renewal application which we will file on August 1st of
8 1977. We are working on it right now. I can't give you
9 a figure because I've not got to it, but we will before then.

10 Q Could you tell us what the steps are for a news
11 writer trainee to become a news writer?

12 A I mentioned earlier that we do not have news writer
13 trainees. We use vacation relief to have people
14 come in and to evaluate their work in progress at that time,
15 with the possibility of putting them on as full time when
16 the opportunity occurs.

17 Q Is there any consideration for developing training
18 programs to help meet your affirmative action goals?

19 A In that particular area?

20 Q Yes.

21 A Not specifically in the news writer area at this
22 time.

23 Q (By the Chair) Could I ask you one question? You
24 may have given this statistics before but I'm not sure.

25 How many on-camera reporters are there with NBC?

1
1
1

1



1 A I don't have that breakdown but there are quite a
2 few. I don't have that --

3 Q Fifty, a, 100, 200?

4 A No, not that many reporters, no.

5 Q Just approximately then?

6 A I would rather check to get back to you.

7 Q Then I'll ask you another question, in terms of
8 reporters, generally, and this I know you don't have a
9 figure on. Once they're a reporter, how long do they last
10 with your station?

11 A I don't think there's any rule of thumb or any time-
12 table of how long they last. I'm sure some have been there
13 quite some time and others not so long. No period of time.

14 Q I was thinking the gentleman from Disney Studios
15 indicated their staff tended to stay, they weren't talking
16 about reporters but tended to stay once they were hired
17 and I wondered if this was true with NBC and particularly
18 with reporters?

19 A The turnover is not that great. I think a lot of
20 people use a major market to eventually get to that point
21 and once they get there that's kind of a goal they've had
22 in their lives. I think particularly southern California
23 attracts even moreso than any other area.

24 Q (By Ms. McCullough) Do you have any information in
25 terms of the turnover rate for White males as opposed to

1 what the turnover rate might be for minorities?

2 A I do not have any figures on turnover rates, I
3 do not.

4 Q Do you compile such figures?

5 A I would guess, and I'm saying this now because I've
6 never had the occasion to get into it, but I would -- I
7 would guess that perhaps the NBC personnel department keeps
8 track of things like this.

9 Q (By the Chair) Just your own assessment, a previous
10 figure indicated that 12 Black reporters were fired within
11 the past eight months, he said in 1976, would this seem
12 like a high figure to you?

13 A Out of the total in the Los Angeles market? I
14 don't know how many Black reporters there are.

15 Q Out of any reporters for --

16 A Yes, I think 12 is probably a rather large number,
17 yes.

18 Q (By Ms. Hata) Let's go back to personnel office
19 that you mentioned. Is there a personnel office for KNBC
20 that is separate from the network personnel office?

21 A Well, first of all let me start by saying there is
22 no network personnel office. There is an NBC personnel
23 office which serves the whole company and the various
24 divisions within NBC. It is a staff function, very similar
25 to a broad financial area or perhaps the legal area. NBC

1 does not have its own personnel office. It relies on the
2 west coast personnel office which is a part of the total
3 NBC corporate personnel office.

4 Q There is a west coast personnel office?

5 A Yes, which is part of the overall NBC personnel
6 activity.

7 Q And KNBC falls into that category and under the
8 jurisdiction --

9 A It's a staff service that we use, yes.

10 Q What is the composition of that organization by
11 race and title?

12 A I do not have that breakdown.

13 Q Do you have that breakdown in your office?

14 A No, I do not have it in mine. I'm sure the people
15 in the personnel department do, again it is a staff
16 function, they are a service to KNBC.

17 Q So you have no idea -- what do they do?

18 A What do they do?

19 Q Yes.

20 A Well, they -- their activities are as diverse as --
21 screening applicants.

22 Q Do you see any of them?

23 A Do I see any of them? Yes, a great deal of time.

24 Q How many minorities and women have you seen from
25 that office?

1 A I can't give you the exact number but there are --
2 in fact, the EEO officer of the NBC personnel office on the
3 west coast is a minority.

4 Q Is the EEO officer the same person as the personnel
5 officer?

6 A No, they are not, they are separate. There is a
7 woman, a female in the personnel office that has, one of
8 her primary responsibilities is the screening, the initial
9 screening and the obtaining of candidates for positions ~~there~~
10 throughout NBC on the west coast, that is a female.

11 Q She handles the screening of employees, do you have
12 any other women in similar capacities at other levels?
13 We're looking at job categories from the 1976 --

14 A Well now, these job categories will not appear on
15 our 395 form and these are, again the 395 figures reflect
16 KNBC employees.

17 Q Well, let's look at the KNBC employees, you've got
18 36 total employees under the category of officials and
19 managers. Of that 36, 30 are male and six are female.

20 A Which year are you referring to?

21 Q Nineteen-seventy-six, a revised form.

22 A Okay.

23 Q Can you break that down into specific jobs, officials
24 and managers referring to what level?

25 A I can supply that to you, yes.

1 Q You can?

2 A Yes, not today here, but I can supply that to you,
3 yes.

4 Q (By the Chair) But now the EEO person, would that
5 be considered a manager or an official?

6 A The EEO person would not appear on this 395, again
7 I refer back, that is a staff function of NBC, it is not
8 KNBC function.

9 Q (By Ms. Hata) KNBC, then, does not have its own
10 EEO officer?

11 A No, it does not.

12 Q And you will supply these statistics and breakdowns
13 to our staff?

14 A Yes, I will try.

15 Q Well, we will be knocking on your door, I'm sure.

16 Q (By Ms. McCullough) Okay, I have an additional
17 question. I understand that KNBC has a women's advisory
18 council?

19 A That's true.

20 Q Okay. Could you tell us what kind of relationship
21 the advisory council has to KNBC?

22 A The official relationship, the structural relationship?

23 Q Yes.

24 A Yes. We, since 19 -- since the fall of 1974, we
25 have been meeting with the women's advisory council approxi-

1 mately once a quarter, we missed the last quarter for some
2 reasons of scheduling. We plan, in fact I met some of them
3 while I was grabbing a hamburger before coming in here, we
4 plan to meet with them before the end of the year again.

5 We meet to do two things. First on their part,
6 they continue to bring up concerns that they have as an
7 advisory council in terms of programming, employment, in
8 general matters affecting their concerns and for our part
9 we report on the questions they have and respond and kind
10 of tell them what we're doing.

11 Q In terms of the issue of sex stereotyping, have you
12 discussed that with the women's advisory council and made
13 any kind of changes in programming?

14 A Well, I'm not here to discuss programming today.
15 Yes, we have discussed that quite extensively, and have made
16 efforts and I think also progress in the elimination of
17 those references that would be considered stereotypic in
18 our programming.

19 Q We heard earlier from testimony to the effect that
20 with the involvement of more women in various levels within
21 the organization, the chances are there would be fewer
22 sex stereotype roles. Would you consider that to be an im-
23 portant factor in terms of the personnel distribution?

24 A Could you repeat that? I don't think I followed.

25 Q We heard earlier that the employment of more women

1 throughout the organization in management roles, that that
2 would lessen the number of stereotyped roles that women play,
3 would that be another matter that you're dealing with with
4 the women's advisory committee?

5 A Yes. The women's advisory committee has not been shy
6 in expressing their concerns about these things. They come
7 right out and -- I think we have a good dialogue, actually,
8 and it's pretty loud and clear. I think we trust each other.

9 Q In your submittal to the Federal Communications
10 Commission, you state that there are procedures established
11 for the consideration, evaluation and disposition of com-
12 plaints. During this last licensing period, what minority
13 women's groups have met with management to air complaints
14 and discuss concerns?

15 A I do have a partial list. Concerning women's groups,
16 this is not a complete list, the women's advisory council,
17 the Comision Feminino, the American Women in Radio and
18 Television, National Association of Media Women, Women in
19 Film, NOW, and Women's Service Center.

20 In the minority groups, CORE, the Mexican-American
21 Opportunity Foundation, Asians for Fair Media, Urban League,
22 the L.A. Brotherhood Crusade, Model Cities Center for Law
23 and Justice, the Southern Christian Leadership Conference,
24 Operation Breadbasket, the League of Latin-American Citizens,
25 and there are more. Again I have only brought a partial

1 list of them.

2 Q (By Ms. McCullough) Could you explain to us, tell
3 us about your complaint process, what is the complaint
4 procedure?

5 A Well, the complaint -- there is -- the complaint
6 dictates the procedure. It can be a phone call to a
7 particular department within the station, it can be a phone
8 call directly to me, it can be a letter directed to me,
9 it can come from a meeting, any various community meeting
10 that those of us at KNBC attend. It can come really from
11 any way at all, it can be something printed, we'll get it
12 anyway and it's the policy of the station and has long
13 been the policy of the station, that we will meet and we
14 will discuss and try to solve it on any level that it
15 takes.

16 Q Do you have a formalized complaint procedure?

17 A I don't really know what you mean by formalized
18 complaint procedure.

19 Q A complaint procedure which would allow anyone,
20 employee or someone outside the organization, to file a
21 grievance?

22 A Yes. It's formal, if -- from -- people outside
23 that want to complain it's been my experience that they
24 will get in to see you if -- no matter how hard you, if
25 you were predisposed that way to turn it off, you can't do it,

1 they will get in to see you. It's been our posture to
2 meet with them as openly and as quickly as we possibly
3 can and hopefully resolve any differences that may be
4 brought up by them.

5 Q In your opinion, what changes have occurred as a
6 result of the agreement with the Women's coalition? You've
7 mentioned that they've been quite verbal and they made their
8 position clear. Could you be specific in terms of what
9 agreements have been reached?

10 A Well, I think the overall feeling that I get, and
11 I've been involved with it since it started, I was not
12 the general manager at the time that it did start, however
13 I was privileged to sit in on all the meetings. There's no
14 question that it was -- it heightened sensitivity to those
15 of us who perhaps had not been sensitized quite that much,
16 they were able to point up certain areas that perhaps some
17 of us had not been able to see, for whatever reason, they
18 are open with us.

19 They tell us when they think we are doing something
20 wrong and we explain and we go from there. It's a dialogue.
21 It's a continuing dialogue and I think it's been very helpful
22 effective.

23 Q Can you specify any agreements you made with
24 minority groups, if any?

25 A There have been none.

1 Q There have been none. Are you --

2 A No formal agreements.

3 Q (By Ms. Hata) Mr. Straszewski, I'm going back
4 and taking a look at editorial assistants again, I finally
5 added them up, you've got two Blacks, two Spanish surnamed,
6 one Asian and two women, which totals to eight, correct?

7 A Correct.

8 Q You mean to tell me you have no White males serving
9 as editorial assistants?

10 A I'm sorry, I used the figure -- I misread my figure
11 here, it is two White, I do not have the male/female
12 breakdown.

13 Q So it's two White --

14 A Correct.

15 Q -- and you don't know whether these two White folk
16 are male or female?

17 A No, I don't.

18 Q Who do these editorial assistants assist?

19 A The writers.

20 Q The writers?

21 A In the news department.

22 Q How many of the writers are minority?

23 A I mentioned earlier I don't have that breakdown.

24 Q How many of them are women?

25 A I don't have the breakdowns by women or minority

1 groups today.

2 Q Will you have them when our staff contacts you?

3 A I will try.

4 Q You will try, thank you.

5 THE CHAIR: Are there any other questions?

6 Q (By Ms. Bernstein) Yes, I have some questions.

7 Somewhere I think I got lost. Does KNBC have its
8 own affirmative action plan?

9 A Yes, we submitted that to the commission a couple
10 weeks ago, it was filed as part of our last license
11 renewal.

12 Q Are your affirmative action programs mandatory?

13 A What do you mean by mandatory?

14 Q Did somebody tell you you had to do it or is this
15 all voluntary on your part?

16 A I don't have the answer to that because they were
17 started, I believe in the early '70's and I don't know
18 why they were started, but they were started.

19 Q Okay. How can the public monitor differentials in
20 pay between men and women? If somebody was interested in
21 finding out how could they go about it?

22 A We would not release that.

23 Q Why?

24 A Well, it's the policy of the NBC personnel department
25 at this time.

1 Q (By the Chair) Are you subject to the Public In-
2 formation Act?

3 MR. GLICK: May I point out that the Freedom of
4 Information Act applies only to federal government agencies
5 and not private corporations.

6 Q (By Ms. Hata) But, Counsel, we may request of the
7 appropriate federal agencies to secure this information if
8 we do not get it, is that correct?

9 MR. GLICK: I don't believe that that information is
10 provided to FCC in their license application. That's a
11 matter of, I think in fairness, though, of business con-
12 fidentiality.

13 A That is not in the FCC application.

14 Q (By Ms. Bernstein) Okay, what kinds of on-going
15 training programs do you have for women and minorities?

16 A We have both a formal training program, which is
17 a release time training program, it is designed below
18 supervisory level, gives the people an opportunity to be
19 considered for training in various areas of the station
20 that they think they would like to be in, and they are
21 given a chance.

22 It's a release time training program, they are re-
23 leased from their work for a period of time during the week
24 over a period of weeks and they are actually trained in the
25 functions of a department other than which they are normally

1 employed.

2 Q Do you know how many people are involved in that?

3 A Yes, in the current program that is on there are
4 seven people, and the breakdown, which I'm sure you're
5 interested in --

6 THE CHAIR: That's correct.

7 A -- I have that one. It's six women, one male and
8 a further breakdown is four White, two Asians, one Spanish
9 surname.

10 Q (By the Chair) Four White, two Asian, one Spanish
11 surname?

12 A Right. This is a voluntary program. They come
13 forward and ask to be trained and we -- the community
14 relations director in conjunction with the station manager
15 select them.

16 Q So do you mean that no Blacks came forward and asked
17 to be trained or --

18 A They probably did, I don't know, but perhaps they
19 weren't selected at this time.

20 Q (By Ms. Bernstein) How long has this program been
21 going on?

22 A This is the second cycle, we did one also in 1975,
23 there is also, I've mentioned the vacation -- well, there's
24 another one I should mention, there's a vacation relief
25 training program in the technical area. We're just really

1 completing the second phase of that.

2 There was a Black female in 1975, who we trained
3 in the technical area, she was guaranteed her job back
4 at the end of that training, she chose to come back. One,
5 a White female, was selected this year, she chose to stay
6 in the technical area and her job has now been filled,
7 her permanent job and she is still in the technical area
8 and has indicated she would not go back to her staff
9 position.

10 Q The one you're referring to, which is cycle two,
11 in cycle one how many of those people upgraded their jobs
12 by this training program?

13 A I believe in the -- the 1975 release time training
14 program there were two promotions. Those people eventually
15 they trained did get promoted.

16 Q I don't suppose you have the breakdown at this time?

17 A No, I don't.

18 Q Some people, especially community groups, have been
19 critical of ascertainment procedures stating that stations
20 are not reaching out into the community and are only
21 ascertaining status quo representatives. What do you think
22 of ascertainment -- the ascertainment process and how
23 important is it to your station?

24 A Following the questions that were submitted to me,
25 there was really nothing on ascertainment and I have not

1 spent the time researching into that to prepare this. I
2 will be glad to get into that at another time perhaps.

3 Q (By the Chair) As a -- well, I was just going to
4 ask you, Mr. Straszewski, as the vice president and general
5 manager, if you are satisfied with the progress that KNBC
6 is making in hiring and promotion of minority people?

7 A Satisfaction is a difficult thing. In my opening
8 statement I mentioned that we were pleased with the progress
9 we have made since 1969 or since 1970. The male composi-
10 tion of KNBC at that time, of the total employees at
11 KNBC, was 77% of the total employment force. It is now 67%.
12 That's the only area we've gone down in. The female compo-
13 sition of the station was at 23% in 1970, as of now it's
14 at 33%.

15 The minority composition was at 20%, that is currently
16 at 30%.

17 I also mentioned in my opening statement that we
18 still think we have room for improvement, and I am committed
19 to it, the people that preceded me that had a great deal
20 in bringing these figures there, I think have set an example.
21 Part of my job is being -- I'm a cannibal for us,
22 this is part of my territory and I like my job, I plan
23 to be there, and I plan to continue to progress.

24 Q Are there any rewards for staff in working towards
25 this affirmative action?

1 A At KNBC?

2 Q Yes.

3 A Part of my evaluation to the people that I report to,
4 that is a very, very major factor. The people that report
5 to me at KNBC obviously if I'm judged on that, I have to be
6 fair to them, and they have to be judged also on their per-
7 formance in that area.

8 Q (By Ms. Hata) Who do you report to?

9 A I report to the executive vice president of the NBC
10 television stations division.

11 Q And he is a White male?

12 A Yes, he is.

13 Q Who reports to you?

14 A Reporting to me --

15 Q Directly?

16 A Directly?

17 Q Right.

18 A There is a station manager --

19 Q Who is a White male?

20 A Yes. There is the manager of community relations.
21 Press and publicity.

22 Q Who is a White male?

23 A Wrong, he is a Chicano male.

24 There is an editorial director who is a White male.

25 And the business manager who is a White male.

1 Q No women?

2 THE CHAIR: Just as my question is, are there any
3 rewards?

4 A I suppose there are negative rewards, if I don't
5 perform I, you know, I don't --

6 Q (By the Chair) But are there --

7 A Financial rewards?

8 Q Well, I don't know what kind of rewards --

9 A No, there are no rewards, it's really -- it's a part
10 of my job, it's get it done. I suppose the reward is if you
11 do it and you're successful, well, it's an overall con-
12 sideration or where you're going or where you may stay. Or
13 whether you're going out.

14 Q It doesn't become a part of an evaluation in terms
15 of --

16 A Yes, it is a part of an evaluation.

17 THE CHAIR: Mr. Glick has some questions.

18 Q (By Mr. Glick) Just a couple of questions, Mr.
19 Straszewski, they're not in areas that you were asked in
20 writing but I don't think you'll hve any problem with them.
21 They deal with employment and contracting.

22 I assume that some of the programming is created
23 locally for KNBC. Some of the commercials are done locally
24 for KNBC?

25 A Commercials?

1 Q Yes. Like a local used car dealer or something like
2 that wouldn't be sent out from the network?

3 A No. KNBC is not in the business of producing
4 commercials.

5 Q No, I understand that, but they are -- they are run
6 so therefore they're created and bought by the station,
7 I would assume --

8 A The commercials?

9 Q Yes.

10 A No. The advertising agencies and the clients buy
11 commercial time from us. And they supply us with the
12 commercials.

13 Q They supply you with the commercials?

14 A Yes.

15 Q I see, so in other words, they're not produced at
16 your order?

17 A No.

18 Q How about other programming, is there any programming
19 that is created locally other than local community interest
20 kinds of programs?

21 A You mean entertainment programming?

22 Q Yes.

23 A We are currently not in the production of producing
24 any local entertainment programming. Our local effort is
25 concerned with news, public affairs and community programming.

1 Q Okay, in that case, no point in asking the question,
2 I was actually going to ask about whether you'd undertaken
3 any efforts to encourage minority producers or female
4 producers of programming, but since you --

5 A Well, yes, the community programming, public affairs
6 programming, which is regularly scheduled, we produce those.

7 Q But I was thinking in terms of entertainment.

8 A Entertainment, not directly.

9 Q Okay. Secondly, we've heard some comments today
10 about, and yesterday we heard a great deal more, about the
11 skilled trades in the -- well, yesterday in the film industry
12 and today a little bit in the television industry.

13 Your station doesn't employ very many, I mean not a
14 grand number of people, I think if I looked at the statistics
15 correctly it was something like 17 tradespeople?

16 A It's a very small number.

17 Q Yes. Is there very much turnover in that?

18 A Not a great deal. I think they're considered pretty
19 good jobs and the people that get them like to stay there.

20 Q Well, the comments that we heard had to do with the
21 kind of Catch 22 system or situation between the union
22 and management in that a person had a great deal of
23 difficulty in getting employed if they were not a union
24 member, but management, it was said, could employ anybody
25 they wanted to and there were ways of getting around that

1 union membership requirement.

2 Would you have any comment with respect to the
3 industry and its relationship to the craft unions, not
4 necessarily your own station?

5 A The industry, again, Mr. Glick, because of the small
6 number employed at KNBC in those craft positions, I really
7 am not that aware of the industry thing, perhaps as it
8 would relate to the motion picture or the film business.
9 I've been general manager since the spring of this year
10 and I'm not aware of any problem that has come up in that
11 area or Catch 22 situation since I've been in this position.

12 I suppose it has happened at some point in time
13 but it has not happened since I've been in this position.

14 Q Well, the comments were directed to the point that
15 minority group people and women are excluded sometimes
16 by nepotism system in some of the craft unions, and as
17 a result it's extremely difficult for them to break into
18 what is, I guess lucrative and good work. And I just
19 wondered whether, in your opinion, having been in the in-
20 dustry for a while, not necessarily as general manager,
21 the unions do exercise that strong a control over the labor
22 market?

23 A I've heard that accusation, that comment made in the
24 past. Again that is not an area that I function a great
25 deal of time and I really perhaps at a later, when I've

1 been in this position more and would have been closer to
2 that, I would know more about that.

3 Q (By Ms. Hata) Would you look into this?

4 A Yes, sure, I'll ask the people that work in this
5 area.

6 Q And file a report with our office and staff?

7 A Sure.

8 Q (By Ms. Hata) Okay.

9 A I'll look into it.

10 MR. GLICK: Thank you.

11 THE CHAIR: Ms. James?

12 Q (By Ms. James) Yes, I just have a couple questions,
13 I want to follow up on . Just within your news department,
14 the top person within that would be an executive producer?

15 A It would be the director of news, west coast.

16 Q Director of news, and what is the sex and race of
17 that person?

18 A It's a White male.

19 Q Does he have an assistant?

20 A He has other people that work for him, yes.

21 Q What about the producer of your 5:00 o'clock news
22 during the week?

23 A Again I've received the broad thing, I don't have it,
24 I think --

25 Q The specific --

1 A -- specific breakdown --

2 Q Do you personally know who produces your 5:00
3 o'clock news show?

4 A By name, no.

5 Q Your 6:00 o'clock news show?

6 A No, I don't. Again this is a part of NBC news,
7 west coast.

8 Q Okay. Related to that, it's my understanding that
9 the news operation at NBC is somewhat intertwined with the
10 news operation KNBC, at the other stations they tend to be
11 more separate, is that correct? When they -- they work
12 together, in other words?

13 A Oh, we work together, yes.

14 Q Do any of the staff from NBC work on a fairly
15 regular basis for KNBC news? I would say on a daily basis?

16 A Well, direct it, sure, NBC directors would be
17 directing the local news program.

18 Q That KNBC, that NBC director of news is also your
19 KNBC director of news?

20 A Correct.

21 Q Right. But he's on the NBC payroll?

22 A No, he would -- yes.

23 Q Okay. The reason why I was just curious as to how
24 -- how you separate out on your 395, since the network does
25 not report 395's.

1 A Right. The people that I mentioned do appear on the
2 KNBC 395 form.

3 Q Okay, even though they work in both capacities?

4 A Correct.

5 Q To your knowledge, since you've been at the station
6 some time, had there ever been a Chicano anchor person?

7 A At KNBC?

8 Q Right.

9 A Not that I recall.

10 MS. JAMES: Fine, thank you.

11 THE CHAIR: Are there any other questions?

12 Q (By Ms. Hata) One final question about the so-
13 called ghetto hours. We've heard some testimony this
14 morning that programming that appeals to minorities appear
15 on or at undesirable times. Is your station planning to
16 make any changes?

17 A Along what lines?

18 Q Perhaps some --

19 A The documentaries that I've mentioned which a
20 great many of them deal with the various minority communities,
21 those all appear in prime time.

22 Q How many documentaries --

23 A I mentioned since 1974 we've done 38.

24 Q Thirty-eight, and all 38 have dealt with minorities
25 and --

1 A No, have not, but a portion of them have.

2 Q How many? What percentage?

3 A I don't have that breakdown with me.

4 Q Will you provide that to our staff?

5 A I will try.

6 Q (By the Chair) I think the question was raised this
7 morning for a definition of prime time, would you give us
8 one, please?

9 A The definition of prime time is between the hours of
10 6:00 and 11:00 p.m.

11 THE CHAIR: Thank you.

12 Any other questions?

13 Thank you very much, Mr. Straszewski, we appreciate
14 your coming and responding to our questions.

15 A Okay, thank you.

16 THE CHAIR: Your next person is Paul Coss of ABC.

17

18

19

MR. PAUL COSS

20

21 A (By Mr. Coss) I have a cast of thousands. The more
22 the merrier. If you would introduce all three of you.

23 Let me, for the record, pass the microphone here.

24 I'm Paul Coss, I'm the program director of television
25 station KABC-TV. To my right --

1 MR. PETE RODRIGUEZ

2

3 A (By Mr. Rodriguez) My name is Pete Rodriguez,
4 I'm community affairs director of KABC-TV.

5 A (By Mr. Coss) And to my left?

6

7

8

MR. ROBERTO ESCOBEDO

9

10 A (By Mr. Escobedo) My name is Roberto Escobedo, I'm
11 EEO/staffing specialist for American Broadcasting, Incor-
12 porated, West Coast.

13 Q (By Ms. Hata) EEO slash what?

14 A Staffing specialist.

15 THE CHAIR: Would you give your name again, please?

16 A Escobedo, E-s-c-o-b-e-d-o.

17 MS. JAMES: I'd like to mention as we did mention with
18 Mr. Straszewski, yesterday morning I believe, a messenger
19 from KABC picked up some suggested questions, they were
20 picked up from our office yesterday morning.

21 THE CHAIR: All right. Are you prepared to respond
22 to those questions?

23 A (By Mr. Coss) Yes, I also have a statement that I'd
24 like to start with, and I think it's particularly relevant
25 in view of the questioning that has just taken place with

1 Mr. Straszewski.

2 In view, I have some of the answers ahead of time,
3 I think you would probably like that --

4 THE CHAIR: Just go ahead and give them to us.

5 A We appreciate the opportunity, obviously, to be
6 present here today to discuss KABC's affirmative action
7 efforts and community ascertainment as well.

8 At the very outset I would like to emphasize that
9 KABC-TV is committed to a policy of equal employment
10 opportunity. We have developed and we do follow a variety
11 of procedures to insure that women and members of all
12 minority groups are affirmatively recruited and specifically
13 considered in connection with the filling of vacancies and
14 the promotion of employees.

15 The station's policy of equal employment and advance-
16 ment opportunities extends to all individuals without
17 regard to race, color, sex, religion, age or national origin.
18 Our policy comprehends employees and applicants for employ-
19 ment in all aspects of the employment relationship, including
20 recruitment, compensation, and benefits as well.

21 I would also like to stress that one very important
22 element of our policy is to affirmatively seek to encourage
23 the full participation of women and minorities in all areas
24 and at all levels of station operation.

25 KABC-TV, is proud of the success that it has realized

1 to date in implementing its policies.

2 However, we do remain firm in our commitment to
3 pursue even greater achievements in this important aspect
4 of our responsibility to the community in which we're
5 licensed to serve.

6 I believe it might be helpful to review briefly
7 for you our record with a little more specificity. In
8 recent months the station has hired a number of persons of
9 minority background. The positions include associate
10 producer of Eyewitness Los Angeles, prime time show,
11 associate director, stage manager, associate producer of
12 a.m. Los Angeles, publicist, sound person, and apprentice
13 camera person.

14 During this same period we were able to recruit
15 women for the positions of a reporter trainee, sales trainee,
16 sales coordinator, office manager of our a.m. Los Angeles
17 office, and news coordinator.

18 Q (By Ms. Hata) Mr. Coss, excuse me, you're talking
19 about during this same period, could you give us the date?
20 The last two months?

21 A About the last nine months this encompasses.

22 In addition, we have been able to promote a number of
23 women and minorities. These promotions include the
24 following, and there are probably more but I think these
25 are interesting ones to mention. Production assistant to

1 associate producer, a.m. Los Angeles. After a training to
2 staff reporter.

3 Q Could you give us a date of moving to these positions?

4 A No, I can not. They are a matter of record, we can
5 get them off for you, there's no problem.

6 Apprentice camera person to documentary camera person.
7 Apprentice camera person to sound person, documentaries.
8 News intern to apprentice camera person. Assistant director
9 to director.

10 Taking a somewhat broader view, we are pleased that
11 over the past several years the profile of positions held
12 by minorities and women reflect progress in the levels
13 and diversity of employment at the station. I think that's
14 outlined in the positions that I've mentioned above.

15 In our opinion we have achieved significant progress
16 in recruiting and promoting women and minorities to higher
17 level positions at the station. We believe that our
18 equal employment policy and our efforts to implement our
19 policy in good faith are succeeding in enhancing employment
20 opportunities for all women and minorities.

21 On behalf of KABC-TV, I would like to reassure you
22 that we remain committed to further progress.

23 The gentleman on my left will make sure that that
24 happens. KABC-TV recognizes its obligation as a licensee
25 of the Federal Communications Commission to conduct on-going

1 community ascertainment of a broad and representative cross
2 section of the community leadership.

3 We take this obligation very seriously, it is a
4 full management responsibility. And we believe that our
5 ascertainment efforts exceed the requirements imposed by
6 the commission quite a bit.

7 For example, in September, 1976, a typical month,
8 KABC-TV interviewed 63 community leaders, women constituted
9 34%, minorities including Blacks, Spanish surname, Oriental
10 and American Indians represented 40% of the leaders who
11 were interviewed. Our continuing dialogue with the com-
12 munity's leaders including frequent and significant contacts
13 with women and minority leaders, contribute to our understand-
14 ing of the more important issues and problems facing
15 this community. And enables us to respond in a timely
16 and meaningful way within the station's overall program
17 service.

18 I appreciate the opportunity to be here this after-
19 noon, to make this statement, and I'm making this statement
20 on behalf of all of us at KABC, with.

21 With us today also is Peter Rodriguez, who is the
22 director of community affairs for KABC-TV, who works with
23 me quite frequently and will try and answer any of the
24 questions that we understand that you're seeking responses to.

25 I do have copies of this.

1 THE CHAIR: Thank you very much, we'll be glad to
2 have them.

3 You mentioned that you interviewed a variety of
4 community leaders. Now, what did you do as a result of
5 these interviews, Mr. Coss?

6 A We have, in our community ascertainment, a procedure
7 whereby the interviews are brought back to the station on a
8 monthly basis, the material in the interviews is distilled
9 and put down into a form. The form is then given to all
10 program producers, to the news department and of course to
11 all the people within my own department.

12 It's also circulated to other levels of management,
13 to the general manager, the sales management, promotion
14 management, so that as many people on the staff can be
15 aware of what is going on in the community as possible.

16 Q What is the content of the questions that you ask in
17 this interview?

18 A There are three basic questions in the interview.
19 And we find that it takes about a half an hour to really
20 get through it. The first question is, would you please
21 identify the question and problems that you feel are most
22 pressing in the community, in your community.

23 What -- and the second question is, what do you feel
24 are the most significant problems facing the state.

25 The third question is, what do you feel are the most

1 significant problems facing the nation in general?

2 We also afford the opportunity for a general
3 response, if there are any further bits of information
4 that an interviewer would like to distribute -- interviewee
5 would like to contribute.

6 Q You don't ask any specific questions regarding your
7 network or what people think about staffing and hiring
8 there?

9 A We try not to lead the questions. We try to allow
10 the person to speak within their particular frame of
11 expertise.

12 Q Well, as television watchers, I suppose they would
13 have some expertise regarding what's happening in the
14 television --

15 A Yes, that happens as well, yes.

16 Q But what I'm asking, really, is, just as you're
17 getting input as to how people feel and what's happening
18 on the state and the federal and national level and so
19 forth, do you get any input, do you actively go out and
20 seek input as to what the community feels about what's
21 happening at KABC and then act accordingly?

22 A That comes in on its own.

23 Q How does it come in?

24 A Keep those cards and letters coming, I mean that's
25 exactly what happens. We get a tremendous amount of mail

1 response and we have groups, various groups that will come
2 in and see us as well.

3 The community ascertainment procedure as it is
4 set up, is not meant to encompass critiques of the television
5 business as you know, it is really meant to be an informa-
6 tion bank for the station on which it can make its program
7 decisions. From that standpoint it is very important to us.

8 And that's why we do it on a monthly basis. We
9 don't wait until the end of the license period and then do
10 1,000 interviews. We do interviews every month throughout
11 the entire three-year period of the license renewal.

12 That gives us an on-going and ever-changing amount
13 of ascertainment information.

14 Q And you do, then, use that in changing your programs?

15 A Yes.

16 Q Developing your programs? Did you have a question
17 relative to that particular subject?

18 Q (By Ms. Hata) Yes. These meetings have been going
19 on every single month for the past three years?

20 A Yes.

21 Q These meetings you're talking about? Who is invited,
22 how is your invitation list selected?

23 A We prepare the list in the office of our editorial
24 director, Gene Webster. There are assignments made to the
25 management team, everyone in the management team is assigned

1 a person or persons to talk to during the course of the
2 month.

3 Q Okay, stop right there before we go on, could you
4 describe the management team for us?

5 A Yes, that would be virtually all department heads,
6 assistant department heads, supervisors, and in the case
7 of various shows, the show staffs themselves, because
8 we've -- that gets into producers and associate producers
9 as well.

10 Q Now, these are obviously the top decision-making
11 persons?

12 A Yes.

13 Q How many people are we talking about? Roughly?

14 A I would say there are probably 15 people involved,
15 maybe more? All right, Peter's going to say 32.

16 Q Okay, how many of these persons are minority
17 persons, how many are male, how many are female?

18 A There are a great number of females involved, let
19 me see. It's very difficult to give you an accurate
20 statement on that. I can -- I can identify five White
21 females, one Black male, one Latino, one Black female,
22 in my staff.

23 Q Six out of --

24 A Out of 30.

25 Q And that you consider a great deal? You said there

1 are a great number of females --

2 A Right.

3 Q And you've given me six out of 30?

4 A I'm speaking of my staff alone.

5 Q And your staff consists of --

6 A The program department.

7 Q How many people?

8 A About 50 people.

9 Q That that six consists of what you just said, there
10 are a great deal of women and you mean six?

11 A Well, I think six out of 30 is an excellent per-
12 centage.

13 Q I thought you just said 50, though, right now?

14 A I said my total -- my total staff is about 50.

15 Q Fifty, and you said of your staff there's six
16 women?

17 A There are six women who are participating regularly
18 in the ascertainment.

19 Q Six women participating regularly in the ascertainment?

20 A Right, in the ascertainment process. The monthly
21 ascertainment process.

22 Q Consists of 30 persons, 32 persons?

23 A Right. Right.

24 A (By Mr. Rodriguez) Well, we have broadcast standards
25 also that participate, we have personnel also that participates-

1 top four categories are and when you plan to meet them?

2 A As the gentleman prior to me being up here mentioned,
3 we, as recently as two weeks ago, started planning to file
4 our new application next year. We're into that right now.
5 Would have been into it more save for preparing for some
6 of this. That would be, I expect it to be in our license
7 renewal application which we will file on August 1st of
8 1977. We are working on it right now. I can't give you
9 a figure because I've not got to it, but we will before then.

10 Q Could you tell us what the steps are for a news
11 writer trainee to become a news writer?

12 A I mentioned earlier that we do not have news writer
13 trainees. We use vacation relief to have people
14 come in and to evaluate their work in progress at that time,
15 with the possibility of putting them on as full time when
16 the opportunity occurs.

17 Q Is there any consideration for developing training
18 programs to help meet your affirmative action goals?

19 A In that particular area?

20 Q Yes.

21 A Not specifically in the news writer area at this
22 time.

23 Q (By the Chair) Could I ask you one question? You
24 may have given this statistics before but I'm not sure.

25 How many on-camera reporters are there with NBC?

1 A (By Mr. Coss) There are probably seven or eight
2 other women and/or minorities involved in that.

3 Q On the clerical staff perhaps?

4 A No, not on the clerical staff. The clerical staff
5 does not participate in the community ascertainment.

6 Q So how do these minority women participate, at
7 what level?

8 A Well, for instance the assistant business manager
9 is a woman and she participates regularly.

10 Q Let's go on now, what happens after this group
11 decides who will be invited?

12 A All right, then it is up to the individual who has-
13 been assigned the person to interview to call up and make
14 an appointment at that person's office.

15 Q So they select, in effect, who they will interview?

16 A No, they are assigned by the editorial department,
17 which maintains a very careful analysis, which is why I
18 was able to give you the figures, of where we're going
19 as far as who we're ascertaining, so we don't end up
20 neglecting minorities or women or concentrating on one
21 specific group.

22 Q So it's the editorial department that makes the
23 assignments?

24 A That's correct.

25 Q Now, the editorial department consists of how many

1 people?

2 A One man and one woman.

3 Q One man and one woman?

4 A Right.

5 Q Are these both White?

6 A Both White.

7 Q When you go out into the community, what kinds of
8 persons have been selected to be interviewed to give their
9 opinions, are we talking about going to people and talking
10 to them and getting information from their area of expertise,
11 now are you dealing with professional, foreign policy skilled
12 persons, professors in the field, what kind of people are
13 interviewed to give their opinion about the perceptions
14 of their community regarding problems?

15 A Everything from professionals to student leaders,
16 activists, militants.

17 Q Have you contacted the TELACU people, for example,
18 are they part of your ascertainment study? Are they
19 interviewed every month?

20 A No one is interviewed every month. No one is inter-
21 viewed every month. There is a constant change. In other
22 words, I have two people I must interview a month and I
23 never go back to the same person again, it's a constantly
24 reaching out to get new information, fresh information.

25 Q Have you interviewed the TELACU people?

1 A I met with them several times, I participated in
2 meetings at the station with TELACU.

3 Q But as part of this process that we're talking
4 about, community ascertainment, have they been part of that
5 process?

6 A I really don't know, I can't answer that but that's
7 something could easily come out of the files because we
8 do identify all the people.

9 Q Great, well, may we ask for a list of the persons
10 who you have interviewed?

11 A Sure.

12 Q I'm also taking a look at the 395 forms and according
13 to the latest forms that we have, it's dated May, 1976,
14 under the category of officials and managers we have 29
15 total employees, 22 male, seven female, and I think, if my
16 Xerox copy is correct, two male Spanish surnamed Americans.
17 Are these the two gentlemen who are with you today?

18 A No.

19 A (By Mr. Rodriguez) Just me.

20 A (By Mr. Coss) Here's one.

21 Q (By Ms. Hata) Where's the other one?

22 A I don't know.

23 Q You don't know? What does he do, I'm not asking
24 physically, where is he today?

25 A Oh, he's the film director of the station.

1 A (By Mr. Rodriguez) Local film director.

2 Q You have no Blacks, no Asians, no American Indians
3 serving under the category of officials and managers?

4 A That's correct.

5 Q (By the Chair) You were here this morning and heard
6 some of the accusations about your station in particular.
7 Would you care to respond to any of those?

8 A No, we've responded to TELACU directly in the past,
9 and I'd rather not get into -- I'd really, I really have
10 problems with their charges.

11 Q How about the employment of the technicians and
12 craftsmen, I guess particularly one of the questions I would
13 have would be related to cameramen. How are their assign-
14 ments made?

15 A They're made through a division of our company
16 called broadcast operations and engineering, which is not
17 part, and does not show up on our forms. We do not control
18 that. We rent the facilities from the ABC network, so that
19 we do not assign the technical staff. We do assign film
20 cameramen, they are on our staff.

21 We do assign those people who work in the news, but
22 the people who control the cameras in the studio do not
23 work for the station.

24 Q All right. The ones who control the camera in the
25 studio would be the ones who do the news shows, etcetera?

1 A Yes, actually do them in the studio, they're not
2 the people who go out and take the films as the people have
3 been doing here, those people work for us.

4 Q Wait a minute, which ones --

5 A The people who come out and take the film.

6 Q Now, can you give us an ethnic breakdown in that
7 category?

8 A No, I can not, but that's an easy one to supply.

9 Q Do you have any idea of what the turnover is in that
10 category?

11 A As far as film camera persons?

12 Q Yes.

13 A Oh, I think it's relatively small. We have an
14 apprentice program there, so that there is always a con-
15 stant source of new people to come and fill those jobs
16 but they don't turn over too much.

17 Q Where do you get your apprentices from?

18 A People who have come in to be interns at the
19 station, people who have expressed an interest in working
20 at the station in a capacity and the apprentice program was
21 set up some time ago to provide us with, in effect, our
22 own in-house skills bank. You might be interested in the
23 composition of the apprentice program right now. There's
24 one Black male, one Latino, two American Indians, and a
25 White male in that at the present time.

1 Q No females?

2 A No females.

3 Q (By Ms. Hata) You're very careful to talk about
4 camera persons, how many of your camera persons are women?

5 A I think we have just one.

6 Q Full-fledged camera person, not apprentice?

7 A Not an apprentice, no.

8 Q (By Ms. Bernstein) We heard from the L.A. women's
9 coalition this morning, have you met with them?

10 A We've met with the women's coalition a number of
11 times, they have been a source of, I think considerable
12 input to the station.

13 Q Did you have any verbal agreements that you made
14 with them?

15 A We have a written agreement with the coalition.

16 Q With regard to that written agreement, would you say
17 that the program that they specifically mentioned this
18 morning, Charlie's Angels, falls under the agreement that
19 you made with them, about sexism?

20 A No, we do not broadcast Charlie's Angels.

21 Q But you agree to show it on your station, isn't that
22 correct?

23 A We have repeatedly, constantly and I'll articulate
24 it again today, we do not produce network programs at KABC-TV.

25 Q But, all right, let me ask this. Can you object to

1 showing a program that's made by ABC on your station?

2 A We can always object, yes.

3 Q Well, why -- with regard to the agreement that you
4 made, did you feel that you should reject that program?

5 A I can tell you as of this minute, at quarter past
6 3:00 this afternoon, I have never heard a complaint from
7 the women's coalition on Charlie's Angels.

8 Q Well, I heard one this morning?

9 A Well, it has -- we have not received a complaint
10 but I have to -- I have to explain to you again, we are
11 not producing network programs at KABC-TV.

12 Q But a local station anywhere across the country can
13 refuse to show any network program, is that correct?

14 A Yes.

15 Q So you would welcome such input from an organization
16 such as that?

17 A We would certainly be glad to hear from them.

18 Q Okay. How about -- they're sort of waiting in the
19 back of the room to tell you, I think. How about monitoring
20 your differentials in pay, would you be willing to --

21 A No, that's personal, confidential information. I
22 think it's really privileged, that's an invasion of privacy.

23 Q All right, what about, you talked about some
24 training program --

25 A Yes.

1 Q -- what do you have in terms of management training
2 programs? For minorities and women?

3 A Management training programs? We have a sales
4 program where we train a sales person, and we have had some
5 fairly good success with it as a matter of fact.

6 It has been in effect for a relatively short time,
7 I would say for two and a half years. It has produced one
8 Black male, who is currently working for KABC radio, it
9 has produced an Asian male who is working for KGO television,
10 in San Francisco, and the current trainee in our sales
11 program is a White female.

12 Q What about producers and directors?

13 A We have an informal director training program which
14 is done through the form of hiring an assistant director
15 who then is exposed systematically to directing respon-
16 sibilities, when he or she is ready to assume a directing
17 position and a directing position opens up, that person is
18 promoted.

19 Our most recent director appointment was from that
20 program, a Latino male, and the current, one of the current
21 people in that program happens to be a gentleman who has
22 been blackballed by the industry, according to his own
23 admission, for activist activities in 1969, when he was
24 one of the very, very visible and very vocal members of the
25 LUSTISIA, his name is Ray Androtti. Ray has found it very

1 difficult to find employment in the city, and we have taken
2 him and put him in that program and we're very pleased
3 with that.

4 Q How many people are involved in that program?

5 A Well, I would say that all of our eight assistant
6 directors are conceivably the next directors at the station.

7 Q All right, and what's the composition of the eight
8 assistant directors?

9 A There are two women and six males. Two of the males
10 are Black, one of the males is Latino.

11 Q Okay. Does your station have an affirmative action
12 program?

13 A Yes, we do.

14 Q Let's take last year's affirmative action program,
15 did you meet the goals that were set in that program?

16 A I really do not know. I'm not able to answer that.

17 Q Would your EEO person be?

18 A No, he's new on board himself, I think one of the
19 interesting things, though, is that he has goals for setting
20 up a new plan himself, one that he can take credit for
21 and be proud of and also see is enforced.

22 Q (By Ms. Hata) Now, who are you?

23 A (By Mr. Escobedo) I was engaged on the 14th of June
24 of this year.

25 Q (By Ms. Bernstein) Let me ask you this question, then,

1 did you read last year's affirmative action plan?

2 A I have read it, yes.

3 Q Do you know what goals were reached, if the goals
4 were reached by that plan?

5 A I am currently doing an audit and an updating of the
6 affirmative action program, since I was not involved in
7 the formulation of that program I would not want to attest
8 to the validity or the accuracy of that program.

9 Q Why are you doing an audit then?

10 A To find out for myself the validity and the credi-
11 bility in the program.

12 Q Could you make that study available to us when
13 you're through with it?

14 A I guess I could.

15 Q (By Ms. Hata) And would you make the affirmative
16 action plan available to us as well, the one that you
17 are using or the one that you are studying?

18 THE CHAIR: You mean the one he's developing?

19 Q (By Ms. Hata) Well, there is one in existence,
20 correct, Mr. Coss?

21 A (By Mr. Coss) Yes, there is.

22 Q May we have a copy of the one that is in existence?

23 A I believe that's a matter of public files, let me
24 check into that.

25 Q (By Ms. Gomez) On your internship program, you say

1 that people just walk in from the streets sometimes.

2 A Yes.

3 Q What is your criteria for their qualifications?
4 How do you accept them, how do you find out whether you
5 will accept them or not? What's the criteria?

6 A Most interns come through a college program, where
7 they are -- they are sent to us and they are allowed to
8 work for us in exchange for laboratory credits in their
9 college program. That's unfortunate, I think, and we try
10 to broaden the base of that.

11 I think if we could get to the point where we could
12 have interns and not be perceived as trying to get free
13 labor, then that would be a very healthy situation, and
14 hopefully we will get to that point where we --

15 Q Normally what are the subjects that they're majoring
16 in?

17 A Broadcast communications, film sequences, journalism.

18 Q (By the Chair) How many minority on-camera reporters
19 do you have?

20 A That one I can answer. Because when you asked Tom
21 that question I went and started to count up our people.

22 Q Good.

23 A All right. I show one Asian, one Asian female,
24 rather, one Latino female, one Black female, three -- rather
25 two Black males, one Latino male, three White females, and

1 eight White males.

2 Q Now, the last one, do you have any figures on when
3 they were hired, when the last one was hired?

4 A The last person hired on the staff?

5 Q Yes.

6 A Yes. The last person hired on the staff would have
7 been the last person fired by KNXT, which would have been
8 Sandy Hill.

9 Q And the date on that?

10 A That would have been July of 1976.

11 Q July of '76. And the one with the most seniority
12 would have been hired about when?

13 And do you also want to give us a breakdown on Sandy
14 Hill, I assume she's female, but --

15 A Yes, she is White female. I would say probably the
16 person who's been there the longest would be Fred Anderson,
17 wouldn't you?

18 A (By Mr. Rodriguez) Yes.

19 A (By Mr. Coss) Fred's been there for, I would say
20 maybe six years.

21 Q So for a turnover of 12 Black on-cameramen to lose
22 their jobs within the past six months, would that seem
23 exorbitant to you?

24 A Well, let me say that -- we're dealing with a strange
25 industry as you well know, just from your hearings. I think

1 the number is high, but people come and go depending upon
2 their popularity, and it is a very -- it is a very chancey
3 business that reporters and performers are engaged in,
4 whether it be in motion picture business or the television
5 business. And that probably explains their higher compen-
6 sation, because they are in a high mortality business.

7 Q In developing your affirmative action plan, do you
8 anticipate building in any safeguards so that as employees
9 come on or those already on, receive the training and
10 support that they need --

11 A (By Mr. Escobedo) Yes.

12 Q -- so that they can stay on the job rather than, as
13 was indicated, by Mr. Coss and others, of being such a
14 chancey business and subject to personalities?

15 A Yes, those that we have control over, yes.

16 Q You say those you have control over?

17 A Well, some of the positions that are controlled by
18 the union and the individuals are referred to us by the
19 union hall, we have no control over. Those persons we are
20 responsible for hiring I would say yes.

21 Q (By Ms. Gomez) Can you name some of those that
22 you're responsible for?

23 A Well, the office and clerical, administrative, the
24 nine categories listed in the EEO-1 report from officials
25 and managers to professionals, technicians, office and

1 clerical, sales workers, laborers, carftsmen and operatives
2 which are nine categories and those are the ones that
3 we're responsible for.

4 Q (By the Chair) So that we would hope that built in
5 failure would not be the case but built in success would
6 be the case, because of the training and support they'll
7 get?

8 A That's correct.

9 Q (By Ms. Gernstein) This morning there was testimony
10 about, and I'm not really too sure I've not seen the
11 TV industry that much, about community affairs programs
12 that are put on in terms of minority. Particular interest.
13 And that the people who were hired for those were hired
14 on a week to week basis rather than an -- given a yearly
15 contract, could you comment on that or are under the
16 authority of the station itself?

17 A (By Mr. Coss) Basically, I would say that the
18 hiring of staff to produce a program, the employment of
19 staff for a program is vertical employment, it is in
20 existence as long as the program is in existence. When
21 the program ceases to be in existence, it doesn't have
22 horizontal continuity, so that a person is hired for a
23 specific program.

24 If the program goes off the air it's very unlikely
25 that their employment would be continued with the station.

1 Q Their employment, then, is -- they're not employed
2 by KABC but rather by program --

3 A No, they're employed by KABC. They work for -- most
4 of them work for me.

5 Q Well, if the program is cancelled, are they then
6 put on another program that is made to replace the --

7 A No, no, they are hired for that specific program
8 and hopefully they have a specific expertise which is the
9 reason why they would be hired for that program.

10 Q Is it -- are they hired, say in community affairs
11 program, on a week to week basis or -- I assume you have
12 a program for a six-month period or a year period or some-
13 thing like that?

14 A It is difficult to know how long the program might
15 be on the air, but they're not hired on a weekly basis,
16 no. They're hired for the length of the program.

17 THE CHAIR: Any other questions? Go on.

18 MS. HATACHTER: Yes, if I may, when you get through
19 I want to ask a couple of questions.

20 THE CHAIR: For the record, may I announce that
21 Mr. David Santiago, a member of the California Advisory
22 Committee has joined us.

23 Mr. Santiago?

24 MR. SANTIAGO: Thank you.

25 Q (By Mr. Santiago) I met with you, Mr. Soporito, a

1 couple of months ago in his office --

2 A Yes.

3 Q -- and I suggested that because of these programs
4 which are causing this conference here today, these
5 hearings, that Mr. Soporito appoint or other community
6 appoint an advisory committee to the station that will
7 help you set policy regarding minority community.

8 I want to ask you what has happened since our
9 meeting in regards to this advisory committee?

10 A To the best of my knowledge, nothing specifically
11 has happened according to your request.

12 Q I want to ask you also, how many Puerto Ricans are
13 working for your network?

14 A I don't have that information available.

15 Q I'm also asking you, since you mentioned that you
16 have a training program there, how come that some people
17 complain that they have been in the station a year and a
18 half were promised training after a year and a half were
19 fired and no training was given to these persons?

20 A I'm not -- I'm not conversant with the problem that
21 you're having.

22 Q I also wanted to ask you, since you mentioned that
23 you have an ascertaining program, how many times have you
24 contacted anyone in the barrio community in California?

25 A I'm sure that Puerto Rican community members have been

1 contacted but again over a three-year period, it's a tre-
2 mendous number of people and I don't have those files with
3 me.

4 Q For your information, I did contact your station --

5 A Yes.

6 Q -- they sent one of the reporters to one of our
7 affairs last year, there were 45,000 people there. I had
8 to write you a letter, a formal letter, it wasn't that
9 easy to get that information. We have an affair at city
10 hall with the council by one of the most famous Puerto
11 Rican bands and it was covered at the scene but it was never
12 published, for various people were disgusted that a station
13 would send somebody there and then they wouldn't air the
14 program.

15 A I think you're trying to exercise news judgment
16 and I think that is beyond the realm and the responsibility
17 of anybody outside of the station. News judgment can only
18 be exercised by the station itself, we are the licensee,
19 Mr. Santiago.

20 Q (By Ms. James) I wanted to pursue the same question
21 I asked KNBC. Who is the highest decision maker within
22 the news department, by title I mean?

23 A Right, the news director, Ms. James. Bill Fife
24 (Phonetic), is his name specifically.

25 Q And his race and sex?

- 1 A Bill Fife.
- 2 Q Fife, right. Race and sex?
- 3 A White male.
- 4 Q What about the producer of your 5:00 o'clock news?
- 5 A White female.
- 6 Q Six o'clock news?
- 7 A White male.
- 8 Q Eleven o'clock news?
- 9 A White male.
- 10 Q Week end producer?
- 11 A Alternates.
- 12 Q It alternates?
- 13 A Yes, it has been -- it has been both White female
- 14 and White male.
- 15 Q Have you -- how long have you been at the station?
- 16 A Two and a half years.
- 17 Q In your experience or your knowledge, has there
- 18 ever been a Chicano anchor person?
- 19 A No, there have been Latino broadcasters but there
- 20 has not been a Latino anchor person.
- 21 Q When you say broadcaster you mean reporter?
- 22 A Reporter, right.
- 23 Q But not anchor person?
- 24 A Right.
- 25 Q (By Ms. Hata) (---) Mr. Coss --

1 A Yes.

2 Q -- some of these shows that we've seen on KABC and
3 other television networks, receive a great deal of publicity,
4 newspapers, other areas. What is the promotional, I sup-
5 pose you call this promotional publicity, like for the
6 network shows or for the shows that come out of KABC?
7 Roughly how much are we dealing with for publicity purposes?

8 A It's really hard to give you a hard and fast rule.
9 We recently ran a documentary, for instance on rape, and
10 we took a full page ad in TV Times and TV Guide to publi-
11 cize it, and we ran a great number of announcements on our
12 own air as well.

13 That was one particular show that we gave that kind
14 of attention to.

15 Q Well, perhaps this is, perhaps a more general
16 question, what part of your budget goes for promotion and
17 publicity purposes for the shows? Are we dealing with
18 5%?

19 A It doesn't come out of the show budget, the show's
20 integrity remains untarnished by the flash.

21 Q KABC's budget?

22 A I really don't know. I really don't know. I'm
23 sure that material is available.

24 Q Can we get that material from you?

25 A I would hope so. But I can't guarantee that.

1 Q So would I because there's one other part to my
2 question. How much of this money is spent to promote
3 minority shows?

4 A Well, I would say that as far as documentary efforts
5 of the station are concerned, all shows are created equal.

6 Q And how many documentaries have you shown in the
7 last year?

8 A We do about 26 half-hours a year.

9 Q And of this 26 half-hours a year, how many concern
10 themselves with minority groups?

11 A I would say probably at least half.

12 Q At least half?

13 A Yes.

14 Q And you state that all of these documentaries
15 receive equal budgeting for promotion?

16 A I can't say that they're all equally budgeted, no,
17 that would be -- you know, as I think back over allocations,
18 you know, one show we had a full page ad, another show
19 gets a half-page ad.

20 Q Who determines that?

21 A That's really determined by the promotion manager
22 of the station, advertising and promotion manager.

23 Q Would you describe him?

24 A Yes, he, you're right, White male.

25 Q What kinds of assistants does he have?

1 A He has a union staff which has created some inflexi-
2 bility in the staff, he has three White male assistants and
3 one Latino male assistant.

4 Q Those are documentaries and that's aside. How
5 about other programs that you've had, I understand KABC
6 has had some programs directed towards Spanish surnamed
7 applicants like I'm Papa, I guess, or some of the other
8 shows. What kinds of promotion budgets have they received?

9 A I really don't know. I can't give you a -- any
10 kind of an accurate figure on that.

11 Q May our staff contact you and secure the information
12 from you?

13 A I will check on that for you. Be glad to check
14 on that for you. I don't know that we really want to make
15 that material available.

16 Q Is this -- may I ask Counsel, is this considered
17 something that's not open to public record?

18 MR. GLICK: I think that the station would have a
19 right to keep that from --

20 A That is competitive information, I think, Counsel.

21 MR. GLICK: That would be business information, how
22 much they spend for promotion of any particular program.
23 I think they would have a right to keep private.

24 Q (By Ms. Hata) How about information for at
25 least certain segments or certain categories of programs?

1 MR. GLICK: The same.

2 Q (By Ms. Hata) -- Let's move on to something else
3 then.

4 How are programs decided, how do you decide whether
5 the program is going to be eliminated or terminated?

6 A Eliminated or terminated.

7 Q Or whatever one does with these, perhaps they go
8 off to happy hunts, I suppose.

9 A Well, I think we --

10 Q Or rerun land.

11 A -- we try to study the audience response that we
12 receive, cards, letters, telephone calls.

13 Q You do have a monitoring process, I suppose, or
14 some sort of cumulative Nielson thing that --

15 A Oh, yes, that also exists, yes.

16 Q Does the Nielson rating or do you have ratings like
17 that for the so-called ghetto hours? We've been hearing
18 about ghetto hours where public affairs programs and
19 minority shows are shoved into those unpopular hours. Do
20 you have that kind of rating system established?

21 A There's a rating service for all hours of the broad-
22 cast day, and it is broken down in quarter-hour segments,
23 from sign on to sign off, it is a horrendous amount of
24 information.

25 Q What kinds of people serve on the rating systems?

1 A The ratings services do not work for the station,
2 they -- the A.C. Nielson Company and the American Research
3 Bureau, and they conduct the ratings, they set up the
4 procedures, it's my understanding they set up the pro-
5 cedures according to statistical samples based on census
6 figures.

7 Q Now, these statistical samples, are they represen-
8 tative of the -- well, I'll try to rephrase this question.

9 We're dealing with the ghetto minority shows, I'm
10 saying Impacto, because that's what I remember off the
11 top of my head, I've seen it before. Who rates Impacto,
12 are we dealing with a White majority society that decides
13 whether Impacto was good or bad and therefore they don't
14 watch it, or are we dealing with a rating system that in-
15 cludes a substantial number of Spanish surnamed persons
16 who probably watch Impacto for which it was geared?

17 A It's our understanding that rating services are
18 weighted to show ethnic response.

19 Q Have you verified this for yourself?

20 A Have I? No, I've not --

21 Q Or has the station verified this?

22 A No, I think we are -- are basing our feelings on the
23 information that we have from the rating services themselves.

24 Q Could you pass along that documentation to our
25 staff to indicate that it is your understanding that the

1 rating system includes a substantial number of minorities?
2 If you have documentation for what you just said, I think
3 that's important to substantiate the point.

4 A Well, I think the thing to do is to go to the
5 rating services themselves and I think they, you know,
6 I think they would certainly be a very fit subject for
7 this committee to get into, because this city in particular
8 is one of the most sensitive cities as far as national
9 ratings are concerned. This large metropolis of Los
10 Angeles is what is called an overnight market, which means,
11 in effect, I get a report card every day for our programming,
12 and we know every single morning by 9:00 o'clock, whether
13 we struck out or whether we hit a home run.

14 Q It's very convenient to pass the buck that way and
15 therefore I would assume that you'd have some material
16 that you'd show us so that we could say aha, you're not
17 responsible, but you have the documentation to prove that
18 the rating system has based its findings on these kinds
19 of categories.

20 A I think that's a gratuitous assumption on your part.

21 Q (By the Chair) Do you, at any time, correlate
22 the rating received with the amount of money spent for
23 promoting the show?

24 A I can't say that we specifically do, but I feel that
25 there is some connection from time to time, especially in

1 the area of a program like a motion picture. Where you
2 can't come on the air and say, see the 9:00 o'clock movie
3 tonight, it's the greatest. But if you come on and say
4 see the 9:00 o'clock movie, it stars Barbara Streisand and
5 James Kahn in something, then you've got the specificity
6 that might bring the people in to see that particular
7 program.

8 That is really true on feature films. It's very
9 difficult in a lot of other, or news for instance, you can't
10 promote news with specificity because you don't know today
11 what's going to be on tonight.

12 Q Well, do you try to document, to promote your
13 documentaries with names?

14 A Yes.

15 THE CHAIR: Are there any more questions?

16 MR. SANTIAGO: Yes. --

17 THE CHAIR: We'll have one last question by --

18 Q (By Mr. Santiago) A couple, about four.

19 I'd like to ask Mr. Rodriguez if you're involved
20 in policy-making decisions of the station, like program-
21 departments or in what other areas are you involved?

22 A (By Mr. Rodriguez) Well, personally I would rather
23 and submit respectfully to this committee, that I would not
24 like to testify, any testimony on my specific and personal
25 duties. I can relate to you what my department does.

1 Q Will you please tell us what you do there?

2 A Yes. Among the many functions of my department in
3 relation to the community services on a daily and weekly
4 and monthly basis, I -- I am out in the community giving
5 basic information to groups, national, state, local, and
6 community action groups.

7 On the access and availability of the services of
8 the station.

9 That's basically what I do. There are many other
10 things involved, of course, but that's basically what I do.
11 I do attend a monthly program idea meeting for some of the
12 documentaries that we are committed to produce yearly. I
13 have access to any postproduction or preproduction meeting
14 on the lot. I do have access to editorials, to news. And
15 so on.

16 But my policy decision making only is in my department.

17 Q Do I understand that you've not been influential
18 changing the programming policy of the station in any way?

19 A In programming, I --

20 Q Such as Spanish-speaking?

21 A That is a little beyond my scope of responsibility.

22 Q May I ask the same question of Mr. Escobedo?

23 A (By Mr. Escobedo) Escobedo. Would you repeat the
24 question?

25 Q I met you there about two or three months ago, you

1 supposed to implement this program of -- employment program
2 opportunities to the station. I wonder if you have access
3 to any policy making policies in the station and if your
4 opinion influences the station in any way?

5 A I have access to all information regarding the
6 employment and employment opportunities, and I do have a
7 decision making capability to make suggestions and recommend
8 in the area of employment and I do that to this day, and
9 will continue as long as I am employed by American Broad-
10 casting Companies.

11 Q (By Ms. Hata) . . . I have one final question. Just
12 to make sure that you receive equal treatment with every-
13 body else I asked the previous television network if they
14 had job descriptions and they indicated they did, unlike
15 the motion picture industry, which does not.

16 A (By Mr. Coss) We do as well.

17 Q May we have copies of these job descriptions?

18 A (By Mr. Escobedo) I would say that we do have them
19 and I'm sure they're available but I would like to get
20 some kind of an okay from someone else higher than myself.
21 They are in the process of some being rewritten so we
22 do have job descriptions for the positions that we are
23 in control of, those are ABC staff people only.

24 Q Okay, well, then, our staff will be contacting you
25 to get copies of these job descriptions. Thank you.

1 THE CHAIR: Mr. Coss, I believe you have some final
2 words you'd like to --

3 A (By Mr. Coss) Yes, there were several little things
4 that I wanted to mention. One of the points that came up
5 in the past in the discussion with KNBC was the staffing
6 of the personnel department. And I think that we have
7 such a unique situation that I'd like to find something
8 positive to talk about. The director is a female, White
9 female, the manager of staffing development is a White
10 male, the manager of personnel administration is a White
11 male, Robert is the EEO specialist, as you know, the
12 personnel representative is an American Indian, female,
13 and the salary administrator is a Latino female.

14 THE CHAIR: We appreciate every positive step that
15 you are making, Mr. Coss, and we're glad to hear that.

16 I would submit, in terms of your ethnic partici-
17 pation, however, that you still have a long way to go.

18 Q (By Ms. Hata) Mr. Coss, could we also get
19 some descriptions about these last two individuals, the
20 American Indian and the Lation female, you gave us some
21 lovey titles and I'd like to know precisely what these
22 titles mean.

23 A (By Mr. Coss) Yes.

24 Q You don't know?

25 A (By Mr. Escobedo) I do.

1 Q Could you just, in two sentences, summarize what
2 each of these names mean?

3 A Which would you like first?

4 Q Personnel and the rest escapes me.

5 A The personnel representative is a female who
6 functions primarily as an interviewer in the employment
7 area of the personnel department, and interviews primarily
8 for the office and clerical staff for the purpose of
9 employment.

10 Q She interviews for the office and clerical staff,
11 is she the only such interviewer?

12 A No. I interview myself and other members of the
13 staff and department also are involved in interviewing
14 applicants for employment.

15 Q But her specific function is to interview for the
16 office and clerical staff?

17 A I -- her specific function is not, I am saying that
18 primarily that is her responsibility, the way it is now,
19 it can change from day to day.

20 Q Okay, how about the last person?

21 A The salary administrator is a person who works along
22 with the benefits and compensations manager and systematically
23 determines the salaries, the wage and salaries of the ABC
24 staff, using systems such as the H system of determining
25 the rate of pay for various positions and these are based

1 on the position not the person, the encumbent of the
2 position.

3 Q Does she have a secretary?

4 A I beg your pardon.

5 Q Does she have a secretary to assist her?

6 A There is a clerical staff in the personnel department
7 that she shares along with others. I don't know that she has
8 a secretary assigned to her specifically.

9 THE CHAIR: Perhaps in the interest of time, when
10 you submit those job descriptions to us, you'll make sure
11 that those specific ones are included.--

12 A Be glad to.

13 Q (By the Chair) -- for our staff and then the com-
14 mittee can review them.

15 I believe you had some other points you wanted to
16 make, Mr. Coss?

17 A (By Mr. Coss) Yes, there was one other point that
18 came up, with the KNBC questioning, about the meetings that
19 take place in the program department and the composition
20 of the people who participate.

21 We have a daily meeting for our morning show, a.m.
22 Los Angeles, there are four White women who participate in
23 that, we have a weekly meeting for --

24 Q And how many men?

25 A There are two men in that unit.

1 Q So it's six White people participating in that?

2 A Right, right. In our Eyewitness Los Angeles unit,
3 which is our magazine show, Saturday nights in prime time,
4 one Black male, one Black female, one Latino and one White
5 female, one White male.

6 So I think that's a good distribution there.

7 ~~In our weekly program meeting, which is a discussion~~
8 primarily of advance programming, there are three White
9 females, one Black female, one Latino, and five White
10 males.

11 In our documentary meeting, which is a monthly
12 meeting, there are three White males, one White female
13 and two Latinos, male.

14 Q Are there any other points you would like to make?

15 A No, I think that's, I just wanted to bring that point
16 up because it was a comparison with the material that you
17 had asked for from KNBC.

18 THE CHAIR: And we appreciate those figures, we
19 found them very interesting.

20 I do want to thank you again, Mr. Coss, Mr. Escobedo

21 Mr. Escobedo, I believe you want to say something,
22 and Mr. Rodriguez, for being with you, if either one of you
23 have some parting words you'd like to give us, we'll be
24 glad to have them.

25 A (By Mr. Escobedo) I would like to respond to Mr.

1 Santiago's question of how many Puerto Ricans are employed
2 in the station, and based on the guidelines of EEO, we are
3 not asked to break them down in that category, they are
4 included in the Spanish surname population and I am sure
5 that there are some Puerto Ricans included in the Spanish
6 surnamed population of ABC.

7 THE CHAIR: All right, I thank you three gentlemen
8 very much.

9 We are going to take a five-minute break. Our
10 person, when we reconvene, will be Mr. Lorenzo Traylor and
11 at that point I will turn the session over and ask Nadine
12 Hata to chair it.

13
14 (Short recess)

15
16 (The following session was chaired by Ms. Nadine Hata)

17
18 THE CHAIR: We will start.

19 Mr. Traylor, for the record, would you please state
20 your name and position?

21 I am Mr. Lorenzo H. Traylor.

22
23 MR. LORENZO TRAYLOR

24
25 A (By Mr. Traylor) My name is Lorenzo H. Traylor,

1 and I'm the district director for the U.S. Equal Employment
2 Opportunity Commission.

3 Q (By the Chair) Do you have a brief statement for us
4 this afternoon, or would you like to respond directly to
5 questions?

6 A Directly to questions.

7 THE CHAIR: Ms. Gillette?

8 Q (By Ms. Gillette) All right, Mr. Traylor, I believe
9 that following the 1969 hearings, your office was involved
10 in working out some settlements, and can you describe
11 exactly what your office's role was?

12 A Yes. After the 1969 hearings by the commission here
13 in Los Angeles, our commission referred the findings of
14 those hearings to the Justice Department and subsequently the
15 Justice Department, in meeting with the motion picture,
16 TV industry, based on recommendations coming from our
17 commission, had indicated that they would be filing a suit
18 against the industry.

19 In lieu of a suit, the industry agreed to a settlement
20 agreement, and that agreement was designed to get at some
21 of the problems of discrimination in the industry, even
22 though the industry did not admit to any discrimination.
23 They did agree that they would do something about the low
24 percentage of minority persons who were employed in the
25 industry at that time and take such steps that that agreement

1 provided basically for the increase in minority employment
2 in jobs behind the camera.

3 By and large, jobs that came through the -- some
4 ten or 11 unions that the industry had to deal with. In
5 addition, though, that it also made provisions for some of
6 the companies to do something about their low utilization
7 of minorities in administrative, clerical, managerial
8 and professional jobs at the upper levels.

9 After the agreement was signed, the Justice Department
10 requested that the U.S. Equal Employment Opportunity
11 Commission monitor the agreement, and our national office
12 through the commission chairperson, assigned the Los
13 Angeles District Office to monitor that agreement.

14 And our involvement after June of 1970, going
15 through until about March of this year, involved monitoring
16 that agreement.

17 Q Now, when you say our office, what size staff did
18 you have involved in this monitoring?

19 A Initially, when we took a look at the agreement, and
20 saw that we had some 88 producing companies involved, and
21 also had ten or 11 unions, we developed at the local level
22 here a monitoring proposal asking for seven people to
23 monitor the program.

24 The response we got back from our national office
25 was that they could not afford that size staff, and they

1 reduced the staff to two people. And at the same time
2 we cut down on the number of respondents that would be
3 monitored. In other words, rather than monitor 88 pro-
4 ducing companies, who were in the agreement, we took the
5 larger producers like Metrogoldyn-Mayer, Paramount and so
6 on, and the ten unions and also cut down on the amount of
7 time that we would be involved in in monitoring.

8 So initially we had through the first two years,
9 we had two staff people monitoring that program, and then,
10 after the two years, it was reduced to one person.

11 Q What was the function and the activities of the
12 monitor?

13 A The monitoring was designed over and above receiving
14 reports on what they had done, because we took the position
15 locally that monitoring was a lot more than just reviewing
16 the reports. It was our position that monitoring had to
17 be aggressive, and that we wanted to help the industry to
18 do what they had promised to do. And also to see that
19 they at least made an effort to accomplish this.

20 So that it involved really reviewing reports, meeting
21 regularly with the Association of Motion Picture Producers,
22 meeting with the union officials, continuing to tell them
23 what they were not doing that they were not in compliance,
24 assisting them in getting certain minority group persons
25 to them when they claimed they couldn't find qualified persons,

1 it involved interviewing minority persons who had been
2 referred to employment in the industry, finding out what
3 kinds of experiences they were having, whether they were
4 being treated as they should be treated. It involved also
5 going on the lot and observing the work situation, and
6 seeing if certain things were taking place.

7 It was a broad concept. In addition to that we
8 met regularly with the Justice Department and reported to
9 them what we were observing. And on many occasions our
10 monitor motivated the Justice Department officials to help
11 stimulate the industry officials to do more than they
12 were doing.

13 Q So it started out being a very comprehensive monitoring?

14 A Yes.

15 Q You mentioned reporting, did all of the unions comply
16 with the reporting requirements?

17 A I believe all of the unions complied except one.
18 They submitted regular quarterly reports, and by and large
19 we had good reporting from the industry.

20 Q What did you do about the one union that did not
21 respond?

22 A Well, the information was made available to the
23 Justice Department, bring it to their attention, whatever
24 noncompliance was involved.

25 Q To your knowledge, did the Justice Department take

1 any action?

2 A At this point I'm not really sure, I'm not really
3 sure what happened there with that particular union. It's
4 my recollection now that eventually they did start reporting
5 but they did not initially.

6 Q Now, you mentioned that the monitoring was cut down
7 from two to one. Why was there that cut?

8 A Well, the agreement called for, it was a two-year
9 agreement, and initially we had two people assigned. After
10 two years really there was no agreement to monitor, but
11 by mutual agreement between the Justice Department and the
12 industry and EEOC, we stayed in for another year.

13 At that point the commission just decided they would
14 no longer put the amount of resources in that they had
15 in the past, so I was -- I was cut to one person for that.

16 Q During that monitoring period, was there any in-
17 crease in complaints?

18 A During that monitoring period we had a decrease in
19 complaints.

20 Q Decrease in complaints?

21 A From the industry, because the monitor that was
22 involved in not only monitoring the program but getting
23 on top of complaints as soon as he heard about complaints.
24 In fact, we were fortunate in having a person who spent
25 almost, I'd say 60 hours a week in the industry. He enjoyed

1 the assignment and spent the time there. Night and day.
2 And we had a reduction in complaints because whenever we
3 would bring a complaint to the attention of the officials
4 involved, we could get some action at that point, even
5 before we got a charge filed, a formal charge filed. And
6 in some cases where we had formal complaints, we were able
7 to resolve some of those complaints through this settlement
8 approach.

9 Q Do you have any specific figures you could share
10 with us regarding actions taken in the complaints and how
11 they were settled beforehand or --

12 A Well, I can probably review some of our -- some of
13 the reports we sent in on that, but we do have, I can give
14 you some general estimation of what the results were in
15 terms of the compliance with the program.

16 The agreement called for the setting up of a minority
17 labor pool in each of the unions. And they were required
18 to refer two minority persons for every -- for each five
19 majority persons. For jobs available in the -- with
20 companies, that is since the unions had the responsibility
21 for referring people to these jobs. And if they met over
22 a period of time 20 persons, in other words, if 20% of the
23 so-called, quote, mandays or manhours being worked, if it
24 reached 20%, then the amount of referrals would be reduced
25 to one to four.

1 So, by and large, a majority of the companies, a
2 majority of the unions met this requirement. They would
3 -- the range of referrals for behind the camera jobs, that
4 is for part time employment, that's two weeks or less, the
5 number of hours worked by minorities ranged somewhere be-
6 tween 18 and 25%.

7 During the two years that we were monitoring the
8 program closely. The number of full time jobs, a full time
9 jobs are those lasting more than two weeks, was lower
10 than that, the numbers we had, fewer of those jobs and so
11 the percentage of hours worked by minorities was much less
12 than that for the part time jobs.

13 We had about 7,000 minority group persons who were
14 in the labor pools in the various unions. In the jobs
15 outside of the unions, that is jobs in the industry at
16 the clerical, management, administrative and upper levels,
17 we were able to count between 800 and 1,000 jobs that were
18 secured by minority group persons.

19 Q As a result of --

20 A As a result of the -- of the close monitoring.

21 We had not nearly as much success as we would have
22 hoped. And we were unable to do too much at the upper
23 level except that once in a while you got a company making
24 -- a movie or two bringing a person at the upper level of
25 management, that is at the top 10% of management.

1 Q You're mentioning that at the upper level you had
2 some difficulties. Could you identify for us some of the
3 major problems that were barriers to achieving equal
4 opportunity during this period?

5 A Yes. One problem we had was that the -- some of the
6 union members were hostile to the program, in fact we had
7 a group of union members who filed a federal, attempted to
8 file a federal suit against their own leaders which signed
9 the agreement, and also against the commission and the Justice
10 Department. The suit was filed but it never really came up
11 for any action.

12 Another problem we had was the fact that the -- the
13 referral to jobs being sometimes for only one or two days,
14 did not provide for many of the minority group persons
15 enough money for them to be able to meet their requirements
16 of being members of the union at the end of two years.

17 One of the requirements being that at the end of the
18 two years, all of the persons who had worked at least 30
19 days in the industry would pay their union dues and become
20 members of the union and from that point on they would be
21 referred from the union pool rather than from the minority
22 pool.

23 The high cost of the union dues was a barrier, and
24 then the fact that it was not full time employment was
25 another factor. Because a person will work in the industry

1 for two weeks and then wouldn't get another assignment
2 maybe for another month or two, and then would have to find
3 employment in between, and some of the people would find
4 other employment for they would not go back.

5 Then, secondly, we ran into some of the people who
6 were apathetic in terms of the follow through. We did
7 work with the unions to get them to set up some plans for
8 paying the union dues on an installment basis, and we got
9 some people to qualify for union membership through that
10 way.

11 We had some cooperation from some union officials
12 and some did not want to cooperate with that kind of an
13 arrangement because they felt that, quote, we've given them
14 this chance and now they should assume responsibility for
15 becoming union members and compete like everyone else.

16 Then too, I think the agreement was too short. It
17 took probably the first six, eight months to get it moving,
18 and then by the end of the two years, it was just beginning
19 to operate. Then even by extending it for another year,
20 that still was not enough time, because we were operating
21 in a time when there was a lot of unemployment in the
22 industry.

23 And as I mentioned before, many of the White union
24 members were hostile and upset because they claimed that
25 these minorities were, quote, displacing them and keeping

1 them from getting employment in the industry.

2 Another problem is the obvious one and that is the
3 lack of maximum commitment on the part of some of the
4 management officials to really, to push full speed ahead
5 on affirmative action. We had continually to urge them
6 to do what is right. But I'd say those are just generally
7 some of the problems that I think you'll find common to
8 most affirmative action efforts.

9 Q Would you say those problems are still in existence
10 today?

11 A Oh, yes, yes. In fact, it would be my impression,
12 based on the last reports we got from the monitor, that we
13 had when we closed out, closed out monitoring in March of
14 this year, is that probably no more than 10% minority member-
15 ship is now in the unions. So we know that there would not
16 be a large number of minorities being referred to jobs,
17 that are available on a part time and full time basis.

18 I'm sure that the momentum that was going for a
19 period of time has slowed down, in terms of jobs at the
20 higher levels, in fact, as I listened to some of the other
21 officials here earlier today, they confirmed that for me.

22 Q Do you have any recommendations whereby these various
23 barriers might be overcome?

24 A Yes, I think that there's a need for a followup
25 consent decree type agreement, that will pick up on where

1 we left off. There may have to be some interim investi-
2 gations done of the status of the industry at this time
3 to update us, but there needs to be an agreement that will
4 be of a -- more of a long term nature, one that would last
5 from five to ten years. And it seems to me that there
6 needs to be a commitment both from the industry and from
7 the government, that is through, perhaps through our
8 agency, that may be jointly, the monitoring of this program
9 will be funded by the government and by the industry.

10 We do have some experience with, even in some
11 monitoring programs being paid for by the industry that
12 was found guilty of discriminating. And it seems to me
13 that would be one thing that could be done.

14 I think that the staff that goes into this must be
15 full time and must be committed over a long term period.

16 Part of the problem that we've had in our own
17 commission in terms of follow through with this, is that this
18 white collar hearing in 1969 was done under one commission
19 chairperson, under one national administration, and then the
20 person who came in after he left was of a different national
21 administration, and even though he had a commitment to this
22 program, those who followed him did not see this in a
23 sense as, quote, something that they had been connected with.

24 And after a period of time, you know, the enthusiasm
25 for this will diminish and they move on to other things that

1 they are more concerned about because they're, you know,
2 this is one industry, and you got the other industries
3 too, that, you know, you get concerned about. You get
4 the utilities, you get to aerospace, into banking and so on,
5 so you don't have the commitment to continue to follow
6 through year after year until you really get discrimination
7 eliminated, to have some tremendous impact.

8 And that needs, I think, to be stressed.

9 Q You mentioned the hostility of nonminority union
10 members to the impact of minorities coming in on their
11 own possible employment. Have complaints from the industry
12 increased since the merger of the minority and seniority
13 roster?

14 A Yes. We now have approximately 151 complaints
15 outstanding, against the movie, TV, radio industry. During
16 the monitoring of the program, specially during the three
17 years where we had at least a full time staff man we had
18 about 25 to 35 complaints, so it has increased.

19 Q How much staff do you have now to deal with these
20 complaints?

21 A I have a staff to deal with complaints, let me see
22 if I can -- I have approximately 30 staff people who are
23 investigators and are conciliators, people who are assigned
24 to field investigations. I have a total staff of, including
25 clerical and professionals, total staff of 53 people. 30 of

1 those being people who are assigned to investigations.

2 Q Do you consider this adequate amount of staff?

3 A Oh, by no means, in fact I have here a backlog of
4 over 7,000 charges in Los Angeles alone, which is a part
5 of a national figure of about 120,000. I have an intake
6 in Los Angeles that runs between 200 and 300 charges per
7 month, every month. And the staff when it's working at
8 full capacity can probably complete every month, maybe
9 a 100 charges.

10 Q So you would see needing what size staff here to
11 adequately do the job?

12 A Well, it's -- let's say a lot more than I have now,
13 in other words, I've been through this exercise of trying
14 to estimate what it would take to, staffwise, to eliminate
15 our backlog and also to stay current. And the figure,
16 it's just far more than I have now. And I don't mean double
17 or triple.

18 Q Do you anticipate ever getting rid of that 7,000
19 backlog?

20 A You hope, but I don't anticipate getting rid of it,
21 because when you --

22 Q So the average case would take about how long to
23 process?

24 A The average charge would take anywhere from ten hours
25 to 30 hours, depending on how complex it is. And how much is

1 involved in the charge.

2 Q That's ten to 30 hours of staff time --

3 A Yes.

4 Q -- but the person complaining this week, with the
5 best of luck, would get a resolution when?

6 A Perhaps from two to three years.

7 Q Two to three years.

8 VOICE: Or six.

9 THE CHAIR: Let's have order out there, please.

10 Q (By Ms. Gillette) Let me ask you another question.
11 What action can your organization, the EEOC, take if the
12 unions fail to file the EEOC-3 reports?

13 A The commission can file either a charge against the
14 unions or they can file a suit through our litigation
15 activity.

16 Q Have either one of these ever been done?

17 A I don't think so, I don't know, but -- and I'm not
18 sure that that's been a problem, because from what I
19 gather, we have gotten from unions and from companies the
20 reports that we've -- that have been requested but that's
21 handled out of Washington.

22 MS. GILLETTE: Okay, thank you.

23 Q (By the Chair) Mr. Traylor, we've been looking at
24 EEOC statistics yesterday, primarily, who monitors the
25 accuracy of these statistics that come in from the movie

1 industry?

2 A What's that?

3 Q Who monitors, who determines whether these statistics
4 are accurate?

5 A Well, at the time that we were monitoring the pro-
6 gram and we're no longer monitoring the program now, it
7 was the job of the monitor to check the figures, as best as
8 he could.

9 Q How was that done?

10 A It was done through sampling, in other words, if
11 a union or a company indicated they had referred so many
12 people to a given, to a company for certain jobs, or on
13 a spotcheck basis we would check with the company, get
14 the names from the payroll and check whether those people,
15 whether the number of people, we'd also check to see how
16 many hours these people have put in.

17 Q That's the next question I was going to ask you,
18 I was a little surprised to note that full time meant someone
19 who had worked two weeks or more.

20 A Yes.

21 Q So on our list here of number of employees, what
22 assurances do we have that these individuals were hired
23 for a fairly long period of time rather than two weeks plus
24 one day?

25 A Well, as I said before, what we did was to spot check

1 on a sample basis, and we found by and large that most of
2 them, most of the reports were accurate. Based on the
3 sample.

4 Q It's no longer being done however, is that correct?

5 A No.

6 Q Is there any group that has the responsibility to
7 monitor them?

8 A No, because there's no longer an agreement.

9 Q But just to monitor the industries?

10 A No. We are treating the industry now like any other
11 industry, we are investigating charges we get from the
12 industry.

13 Q (By the Chair) As statistics pour in from these
14 industries you just have to accept them on face value,
15 there's no way you can even spot check one out of 50?

16 A What we do is when we go into a company to investi-
17 gate a given charge or charges of a company, at that point
18 we do checking.

19 Q But otherwise they just are filed away somewhere?

20 A Well, they are -- they are collected by the joint
21 reporting committee, which is made up of several government
22 agencies and they issue reports from these.

23 Q We've been taking a look at the categories also,
24 at least I have with respect to your EEOC forms, FCC noted
25 that they had intended to change the category of Oriental

1 on their FCC form once you made that change on your EEOC
2 form. Is such a change forthcoming?

3 A I don't know. I couldn't answer that. Because
4 that's not at the local level, it's not at the regional
5 level, this is all, all reporting goes into Washington
6 to a joint reporting committee and what they intend to do
7 is not shared with me.

8 Q So, to your knowledge, the forms are going to remain
9 the same and words such as Orientals, which Asian and
10 Pacific Americans find derogatory, will remain on your form?

11 A I don't know what they plan on doing at this point.

12 Q Will you check into it and let our staff know?

13 A Yes.

14 THE CHAIR: Thank you.

15 Are there any other questions?

16 Q (By Ms. James) First of all, you mentioned early
17 on that one of the barriers was that the union fees were
18 expensive. Were you referring to the dues or the initiation
19 fees or both?

20 A Initiation fees.

21 Q Initiation fees?

22 A Yes.

23 Q Could you give me, is there an average, is there
24 a general or does every local have a different initiation
25 fee?

1 A They differ, they, but some went as high as \$700.00.

2 Q And what would dues be, once you paid the initiation
3 fee?

4 A I couldn't say at this moment, I don't recall, but
5 it was not -- it's not inexpensive.

6 Q Okay, could you clarify the original agreements
7 were signed in '70, right?

8 A Yes.

9 Q Nineteen-seventy?

10 A Yes, 1970. January and April.

11 Q January and April.

12 A Yes.

13 Q And those original agreements were for two years?

14 A Yes.

15 Q Right? Were any -- I know there were two separate
16 unions, one for the TV and one for the motion pictures.
17 Were those agreements updated at any point in time, I mean
18 extended, were they extended beyond the original two years?

19 A Yes, by mutual agreement, after the two years because
20 the Justice Department maintained some authority to -- for
21 followup, they continued for another year.

22 Q For one more year after '72?

23 A Yes.

24 Q So most of -- most of the unions merged by 1973?

25 A Yes, I believe so.

1 Q Right. If a union --

2 A They merged the two.

3 Q -- the minority roster and the seniority roster,
4 right.

5 A Yes.

6 Q If a union had not merged by 1973, were the
7 agreements still in effect? Did the agreements state that
8 it will be in effect until there is a merger or until 1973?

9 A No, actually, there was no problem, there was no
10 problem in getting the pools merged, in fact, the unions
11 were quite happy to do this because this meant that from
12 that point on, the minorities would be in their regular
13 pool. And would be treated the same as the other members.
14 So there was no problem there.

15 Q What about Local 33?

16 A I can't address that union.

17 Q Are you -- to your knowledge, did that finally merge,
18 minorities and --

19 A I'm not really sure because I didn't check the
20 reports of that.

21 Q Seven-seventy-six, do you know if that local merged?

22 A As far as I know, yes.

23 Q It did merge?

24 A I think so.

25 Q The only one you're not sure about is 33?

1 A I'm not because that was the one that we had a
2 little problem.

3 Q I asked that just because there was some question
4 as to whether the agreements had actually expired if
5 there had not indeed been a merger, that's why I wondered.

6 A The agreement really expired in two years but as
7 I said, it was -- they were mutually agreed to continue
8 for another year.

9 Now, we kept our monitor on that for another year
10 and a half after that.

11 Q Right.

12 A I'd like to say we really bootlegged the monitor in
13 there because we were there. And we just assumed that as
14 long as we had the available person power to keep a person
15 there we would keep the person in.

16 Q When was the monitoring formally discontinued by
17 your district office?

18 A I believe in April of this year.

19 Q Why was the decision to do it at that particular
20 time?

21 A Because at that point there was no longer available
22 any staff person to do it and then, secondly, the commission
23 concluded that they had no authority to be there anyway,
24 as a monitor.

25 Q That decision was made in Washington, D.C?

1 A Yes, by the commission.

2 Q I wasn't quite clear on these figures, you were
3 talking about there were 7,000 persons in the labor pools,
4 and 800, you identified 800, 1,000 jobs went to minorities,
5 I'm not sure --

6 A These are two separate groups, the labor pool
7 deals with the unions, and the 800 to a 1,000 were in jobs
8 in the administrative clerical.

9 Q On across the board?

10 A Management jobs as part of the agreement.

11 Q What I was really interested in is, at the end of
12 the minority agreements when the mergers were completed,
13 did your office in its monitoring responsibility, were
14 you able to tabulate exactly how many minorities were put
15 into group one as a result of the settlement agreements,
16 do you have the figure?

17 A At that point I believe we did have that, we did
18 have such information.

19 Q Do you remember what that figure is?

20 A I don't have that.

21 Q Would it be possible to find out? We'd like to know
22 exactly how many --

23 A Yes.

24 Q You mentioned that to your knowledge there are
25 approximately 151 complaints outstanding against the motion

1 picture and television industry within your office?

2 A Yes.

3 Q Right? Are these complaints against unions and/or
4 management or both?

5 A I, at this point I couldn't break down percentage,
6 I did a count in anticipation of the question. And I -- I
7 would suppose that we have some against unions but I would
8 guess most of them would be against the companies.

9 Q One other problem which has come to our attention
10 and I mainly mention this as a statement, that may be conveyed
11 to the EEOC, in preparation for this hearing we asked
12 your D.C. office to give us an aggregate of the union's
13 EEO-3 forms for the IAA and apparently only 14 of the IAA
14 unions had reported, so I do think that's something that
15 should be looked into.

16 A Yes.

17 THE CHAIR: Are there any other questions?

18 If not, thank you very much, Mr. Traylor, I hope you
19 can make your appointment.

20 A Thank you.

21 THE CHAIR: The last two scheduled witnesses are from
22 the General Services Administration, Mr. Roscoe Ballard
23 and J.P. Southard.

24 For the record, would you gentlemen please state your
25 name and your position?

1 MR. ROSCOE BALLARD

2 A (By Mr. Ballard) My name is Roscoe Ballard, I'm
3 chief of the transportation facility branch of the Contract
4 Compliance Division of the Office of General Counsel,
5 General Services Administration.
6

7
8 MR. JAMES P. SOUTHARD

9 A (By Mr. Southard) My name is James P. Southard,
10 I'm a field director, San Francisco Contract Compliance
11 Field Office.

12 THE CHAIR: Thank you. Do either of you have a
13 brief statement to make at this time?

14 A (By Mr. Ballard) Yes, I have a brief statement and
15 I think it will perhaps anticipate a number of questions
16 that you have and then, after that, I will respond to
17 questions.

18 I have specific responsibility for national program
19 direction of GSA's contract compliance activities to utility
20 and transportation contractors. By special direction this
21 also includes the motion picture industry.

22 The General Services Administration is one of ten
23 federal agencies designated by the Department of Labor as
24 a compliance agency with responsibility for administering
25 the contract compliance program under the provisions of

1 Executive Order 11246, with supply and service contractors.
2 Each of these ten agencies has been designated responsibility
3 for certain industries. The motion picture and television
4 industries are among the many industries for which GSA is
5 responsible.

6 Executive Order 11246 and its pursuant relations
7 require that each contractor with 50 or more employees
8 and a contract for \$50,000.00 or more, have an affirmative
9 action plan for each of its establishments. Such plans
10 must contain an analysis to determine whether or not
11 minorities and/or women are being adequately utilized in
12 each job group.

13 And if underutilization exists in any job group, the
14 contractor must establish a goal and a timetable to correct
15 this underutilization.

16 There are additional ingredients required in the
17 affirmative action plan which are designed to assure that
18 the plan is implemented. A compliance agency such as the
19 GSA, performs a compliance review of a contractor to de-
20 termine whether or not a contractor's affirmative action
21 plan is adequate. To be adequate, such a plan must meet
22 all requirements specified in 41CFR60-2, generally known
23 as Order 4, and must fully identify any barriers to full
24 equal employment opportunity and provide a plan of action
25 to eliminate these barriers in the shortest possible time.

1 A second and more important objective of the com-
2 pliance review is to evaluate whether or not the contractor
3 has implemented his affirmative action plan. Satisfactory
4 implementation of the plan requires that the goals set
5 forth in the plan have been achieved or that a good faith
6 effort was made to achieve the goals.

7 Another important area which receives a great deal
8 of attention in compliance review, is the area of affected
9 class, an affected class is a group of persons who are
10 suffering the effects of past discrimination. Remedies
11 for an affected class programs problems may include media
12 transfer or accelerated promotion, red circling of wages,
13 special training and back pay. Although GSA has been
14 given contract compliance responsibility for government
15 contractors in the motion picture industry, we must still
16 establish that there is a contract relationship between
17 the government and the motion picture studio before we
18 have jurisdiction under Executive Order 11246.

19 This has proven to be a significant barrier in our
20 ability to deal effectively with the motion picture
21 industry. Although there are a number of small companies
22 who are clearly covered because of direct contracts with
23 various agencies of government, most of the employers in the
24 industry are not covered.

25 Even with respect to the major studios it is not

1 clear that there is a requirement for compliance with the
2 executive order. We have clearly established the contract
3 relationship with one major studio and have recently
4 completed a review of that studio.

5 We believe that at least two more major studios
6 come under the jurisdiction of the executive order and
7 we intend to schedule reviews of these studios as soon
8 as our resources permit. We will continue to research the
9 question with respect to the other studios and if we can
10 determine that we do have a contract relationship we will
11 schedule reviews.

12 This brings me to some problem areas which we per-
13 ceived before starting the recent review and which were con-
14 firmed by this review. We have reviewed the available data
15 on the participation of minorities and women in all phases
16 of the industry and we have found as others have testified,
17 that there are certain serious problems of underutilization
18 in the industry.

19 We find that traditional patterns in which minorities
20 are generally confined to laboring and service-type jobs
21 and where women are found primarily in the clerical jobs.

22 However, we also find conditions which aggravate and
23 perpetuate this situation. I am referring to the complexity
24 of relationships between the industry and the many labor
25 organizations which represent employees in this industry.

1 I'm also referring to the fact that much of the employment
2 in this industry is temporary in nature. These conditions
3 impact negatively on GSA's ability to deal realistically
4 with the many problems affecting employment opportunities
5 for minorities and women in the motion picture industry.

6 First of all we do not have direct jurisdiction over
7 labor unions and therefore can not deal directly or can
8 not directly confront a labor union which may be engaged
9 in practices which are a barrier to equal employment oppor-
10 tunity.

11 Secondly, as I've previously mentioned, our juris-
12 diction in the industry is severely limited. While we only
13 have jurisdiction over certain of the major studios, much
14 of the employment in the industry is not by the major
15 studios. In view of these circumstances, it can be seen
16 that we can not deal with those employment practices
17 which involve only the relationships between the independent
18 producer and the craft union.

19 And we are severely hampered in dealing with the
20 major studios with respect to those employees who are
21 hired through the union hiring hall.

22 This leaves us only the area of permanent full time
23 employment by the major studios that can be effectively
24 covered by the contract compliance program.

25 As we see it, it will require a major coordinated

1 effort of various agencies of government with equal
2 employment responsibilities to deal realistically with
3 these problems.

4 The General Services Administration intends to com-
5 plete reviews with the major studios with whom we can estab-
6 lish compliance jurisdiction and will continue to explore
7 the question of our jurisdictions over other segments of the
8 motion picture industry and to the extent that resources
9 permit, will do reviews wherever we establish that we do
10 have compliance jurisdiction.

11 However, in this regard, it should be noted that
12 we must take extreme care in the setting of our priorities.
13 GSA has between 30,000 and 40,000 contractor establishments
14 and some 35 industrial or business areas for which we are
15 responsible, and yet we have just a little over 100 pro-
16 fessional compliance officers in the field available to
17 do reviews.

18 As you can see, this severely limits our capability
19 to deal with all contractors, and it is therefore extremely
20 important that we do reviews at those facilities which will
21 provide the greatest opportunity for expanding employment
22 opportunities for minorities and women.

23 GSA's prepared to the extent which resources permit,
24 to participate with other governmental agencies in coordinated
25 efforts to develop and implement a program which will be

1 effective in dealing with the problems in the motion
2 picture industry.

3 This completes my statement, I will be happy to
4 respond to any questions which the committee may have at
5 this time.

6 THE CHAIR: Does Mr. Southard have a statement?

7 A (By Mr. Southard) No. That comprises my statement
8 also.

9 THE CHAIR: Ms. Gomez?

10 Q (By Ms. Gomez) I've some questions, Madame Chairman.

11 During the compliance of review of Universal, what
12 were the GSA's major findings?

13 A (By Mr. Ballard) I have not -- I'm in the process
14 of reviewing the report of that review. We did find that
15 an affirmative action plan had to be developed in con-
16 formance with the regulations. There were a large number
17 of areas of underutilization of minorities and women for
18 which goals have been established, at this point the
19 regional office has tentatively approved those goals and
20 we're reviewing at the national office level.

21 Q So, in essence, what were the factors that most
22 hampered obtaining the complete picture of the affirmative
23 action effort at Universal?

24 A Well, as I mentioned in the statement, a great
25 deal of our problem in dealing with the review with Universal

1 was the factor involving the other elements, the referrals
2 from the unions where we had great difficulty in getting
3 data, and this is why a review of this nature is most
4 effective only in those areas relating to the permanent
5 full time employment, the administrative, clerical pro-
6 fessional kinds of jobs.

7 Q (By the Chair) Did you find any resistance from the
8 management level?

9 A I think I'll refer this question to Mr. Southard,
10 since he was more involved in the review.

11 A (By Mr. Southard) What was the question again,
12 please?

13 Q Did you get any resistance from the management
14 level?

15 A I think I would have to say no, we found that the
16 -- it required a great amount of technical assistance to
17 the company, but I would say that the attitude was one of
18 acceptance. We had approached on the basis of returning
19 essentially to the motion picture industry, we had
20 selected Universal because frankly they had been given a
21 favorable reputation. And because we had thought that by
22 taking that which is the largest, most active and apparently
23 most reputable, that we would be able to perhaps build a
24 basis on which we could make other industry comparisons.

25 Q Where is the affirmative action plan now, Universal's

1 affirmative action plan?

2 A It's in my briefcase.

3 A (By Mr. Ballard) It's in my briefcase and it's first
4 on my priority list when I get back to my office.

5 Q When did you receive it? When did you receive the
6 affirmative action plan?

7 A It was, I think about two weeks ago.

8 A (By Mr. Southard) Or longer.

9 Q And when was Universal notified that they must
10 submit an affirmative action plan to you?

11 A (By Mr. Ballard) Okay, let me clarify. I received
12 it in my office about two weeks ago, Mr. Southard received
13 the plan from Universal in August, is that correct?

14 A (By Mr. Southard) Yes.

15 A (By Mr. Ballard) There is a report development time
16 that's involved, particularly after receipt of a very
17 complex affirmative action plan covering a large number of
18 employees as this one does.

19 The review started officially in January, was it?

20 A (By Mr. Southard) Technical assistance started
21 officially in January.

22 A (By Mr. Ballard) Yes, and the on-site review took
23 place in March and there was a period of negotiation which
24 followed that before the final submission of the plan over
25 issues that were issues.

1 Q (By Ms. Gomez) Does GSA anticipate additional com-
2 pliance reviews of other studios of any local television
3 studios, perhaps?

4 A The -- in my statement I referred to the fact that
5 we are researching the question of jurisdiction over motion
6 picture studios. We have the same problem with television
7 stations, we do have two television stations in California
8 that are currently under review, but there are many
9 television stations again with which we have not established
10 there is a contract relationship. And therefore this con-
11 tinues to be a problem for us.

12 Q (By Ms. Bernstein) Which stations are those?

13 A That we have currently under review?

14 Q Yes.

15 A (By Mr. Southard) KCET-TV and is that KQED? That's
16 in San Francisco Bay area.

17 Q (By Ms. Gomez) Some of the studios have told us
18 that they have a voluntary program as far as affirmative
19 action is concerned, because they either don't -- they
20 either don't or don't get enough or don't request any money
21 from GSA or the federal government.

22 Q Do you have a way of monitoring this, do you have
23 statistics on how much money the studios do get and each
24 studio does receive?

25 A No, we have no systematic system.

1 Q Is there a way of getting that?

2 A Well, when the question is raised, we then are in a
3 position to do some research to try to determine how we
4 might have jurisdiction. I might explain here that a cor-
5 poration that has a contract that meets the requirement of
6 \$50,000.00 and which has 50 or more employees, is covered
7 in its entirety. So we frequently have compliance juris-
8 diction because of related company businesses. So this is
9 one way in which we may cover some of the television
10 stations and some of the motion picture studios.

11 However, this gets often into a very complex legal
12 determination to determine whether in fact a, for example
13 parent subsidiary relationship meets the requirements of
14 a legal connection which would bind the parent or sub-
15 sidiary under the equal opportunity clause.

16 It's not a simple question.

17 Secondly, we do have a problem that there are
18 literally hundreds of agencies in the government which may
19 award contracts. There is no central system by which we
20 are able to keep track of this. We do subscribe to a
21 service from Dunn and Bradstreet which identifies most
22 contracts that are awarded and we -- when that occurs
23 it's recorded in our printout so that it would show up in
24 Mr. Southard's office, indicating that a contract had been
25 awarded, that would be an opportunity for us to then follow

1 up on it and determine whether or not in fact that estab-
2 lished the contract relationship.

3 Q (By the Chair) For the record once more then, there
4 is no central governmental agency that produces such a
5 list of contracts awarded?

6 A That is correct.

7 Q (By Ms. Gomez) Why?

8 A Because, as I said, there are literally hundreds and
9 perhaps thousands of different offices in our government that
10 award contracts. It's just that diversified, decentralized
11 and it occurs throughout, you know, many agencies of
12 government.

13 The Department of Defense itself has probably
14 thousands of procurement officers who are awarding contracts,
15 so it's just not centralized information.

16 Q This means, then, that any monitoring agency must
17 wade through literally thousands of IBM computer printouts
18 to find out whether a contract compliance or contract has
19 been issued which falls under their jurisdiction?

20 A Well, it does present one of our continuing problems
21 but as I said, one of the things that we do get is a service
22 from the Dunn and Bradstreet people who compile this kind
23 of information and they send us a printout monthly and then
24 we have people who scan this and any contract awarded by
25 any agency of the government which would affect one of the

1 industries which we monitor for compliance purposes, we
2 then transfer that data into our computer system so that
3 enables our field office to be aware that here is a possible
4 contractor.

5 Secondly, it isn't so difficult in terms of many
6 of the major corporation which are always government con-
7 tractors, so that we know that anytime we have a facility,
8 for example of Georgia Pacific Company and the paper in-
9 dustry, which we monitor, we know that every establishment
10 that they have is covered. We don't have to research it.
11 So there are many industries.

12 The fact is we have so many contractor facilities
13 for which we are responsible we never run out of work that
14 we can do. And that's, perhaps, the reason why the re-
15 search into really identifying as many contractors that
16 come under the program as there are, is not really the first
17 priority. The first priority is to do the work that we've
18 got before us.

19 Q And as a result you have no idea as to what's
20 left undone, you are just working on those identifiable
21 contracts?

22 A Well, we are trying our best to identify it, but I
23 would not sit here with any degree of confidence and say that
24 we have exhausted it, because in many instances the informa-
25 tion that we get is not accurate for one reason or another,

1 or by the time we might schedule a review, perhaps a con-
2 tract has been completed, so they're no longer under our
3 jurisdiction.

4 So they're -- it's a continuing problem.

5 Q Have you made any recommendations to solve this
6 problem? It sounds as if you have learned to live with it
7 and --

8 A Well, we think that within the Department of Labor,
9 there would be a system which could be used by all of the
10 compliance agencies, as I mentioned, we have ten compliance
11 agencies, and there are certain information, is certain
12 information that must be forwarded by a contracting
13 officer who awards a contract for purposes of other laws,
14 not relating to equal opportunity, which we think might
15 be a basis for establishing a national printout of con-
16 tractors.

17 I can't say at this point because I don't know that
18 much about it, whether or not that is really a feasible
19 system, but that is one area that we, I know GSA has made
20 a recommendation in.

21 Q How long has your compliance review of Universal
22 studios been going on?

23 A Essentially since January, if we include the tech-
24 nical assistance portion of it and the on-site review and
25 the negotiations and conciliation that took place.

1 Q It seems like an awfully long time, we're into
2 October now.

3 A Yes.

4 Q I wonder why the length of time?

5 A Well, this is the first time we've been into a
6 major motion picture studio in many years. It is a large
7 establishment, we were -- spent more time, perhaps, then
8 we would with some employers in providing some technical
9 assistance sort of in advance of the official review, and
10 some of the issues were very complex. And it took time
11 to work them out.

12 And -- but it is a long time and it is not, hopefully,
13 typical of the time that it takes us to do a review.
14 Normally reviews are accomplished within 60 days.

15 Q That's a better record, I think, for the GSA. Would
16 you identify some of these complex issues?

17 A Well, I'll refer to Mr. Southard on this because he's
18 more directly involved in that.

19 A (By Mr. Southard) One of the most -- many of the
20 complex issues that we have encountered in the Universal
21 review are things that we've been talking about here for
22 the last couple of days. One of the most complex issues
23 although it would sound relatively simple, is the question
24 of what constitutes the full time or if you use another
25 term, a permanent work force of the company? At what point

1 does this sole responsibility of the company leave off and
2 at what point does the options that belong to the union
3 take over? And I think this is probably one of the major
4 issues that's resulted in our delay. This has resulted in
5 delay both in the need for determinations and we haven't
6 had a final determination of that particular issue, but
7 also in the way that we have the information displayed,
8 because we're dealing with a company with a large number
9 of employees.

10 And a simple decision to display the information
11 differently than it had previously been displayed required
12 an extremely -- first of all a mechanical process and
13 considerable amount of time.

14 Q You said you would like the coordinated efforts of
15 other federal agencies. Have you sought such an effort?

16 A (By Mr. Ballard) No, we haven't at this point. We,
17 of course, have been aware of these hearings developing,
18 I guess now for the last month or so, and it's been our
19 thought that this is probably a good initial effort to
20 collect data.

21 I indicated that our problem is one of jurisdiction
22 in the industry and it does seem that the Equal Employment
23 Opportunity Commission, which has much broader jurisdiction
24 than we do, is probably a much more appropriate base for
25 dealing with the industry on a comprehensive basis, and

1 I would concur with some of the recommendations made by
2 Mr. Traylor in his testimony, in terms of some of the
3 things that might be done.

4 We, as I say, intend to continue reviews where we
5 do have jurisdiction, because that can provide added
6 leverage, and we certainly would participate fully in
7 interchange of information, coordinated planning and so forth,
8 to see that this entire operation is as effective as it
9 can be.

10 Q But since you're going to review two more movie
11 industries or movie companies, will you then, after this
12 initial review is over, will you then seek the effort
13 or at least cooperation of other federal agencies or is it
14 still going to be a GSA effort based on whatever areas
15 fall into your jurisdiction?

16 A I don't know that I could answer that question.
17 Assuming -- the question you're really asking is are we
18 going to develop the initiative in going out to the other
19 agencies or are we going to wait for somebody to come
20 to us. I don't really know. I am saying that if somebody
21 comes to us, we certainly are going to be fully agreeable
22 to participate.

23 We certainly, at some point, may also have to
24 decide, depending on the problems we find and the re-
25 sources that we've got. As I say, which are very limited.

1 We might also seek the initiative, this will be a decision
2 that will have to be made, though.

3 Q It is unfortunate that various arms of the federal
4 bureaucracy that could touch all aspects or a great
5 variety of areas could not be coordinated and one massive
6 effort could not be made.

7 A Well, let me say this, that we-- we have, on a
8 number of occasions, cooperated with other agencies, with
9 EEOC, with the equal pay people, on specific projects,
10 and in some instances, these have been very successful.

11 I just have to add, though, that there are always
12 all kinds of problems that accompany these kinds of joint
13 working arrangements, because each agency operates under
14 its own rules and regulations, under its procedures, under
15 it's own decision-making process, and these do not always
16 merge or mesh smoothly in terms of accomplishing the objec-
17 tive. So it isn't something that is done easily, but it
18 can be done and we're certainly willing to do it where it
19 is the most feasible approach to take.

20 THE CHAIR: Ms. Gomez?

21 Does anybody else have any questions?

22 Q (By Ms. James) Yesterday Mr. Prelock from the
23 AMPTP commented on his understanding about the efforts of
24 the industry to develop an industry-wide affirmative action
25 plan, which would, to some degree, have to require cooperation

1 among these various governmental entities. His perception
2 of why that did not come off, one reason was that the
3 Department of Labor considered it and seemed unwilling to
4 provide a \$500,000.00 training package to help bring this
5 about.

6 You are a delegated agency of the FCC, are you
7 familiar with this effort to develop this industry-wide,
8 which would include the unions, if so, what happened to that?

9 A I'm not directly familiar with what happened, as I
10 understand it from hearing on a secondhand basis, these
11 were negotiations directly between the Department of Labor
12 and AMPTP. The association.

13 Q When you say Department of Labor, you mean OFCC?

14 A OFCCP, yes.

15 Q Not somebody else --

16 A Not somebody from GSA.

17 I do know this, that shortly after I came with GSA,
18 this was, I would say about January of '75, in a meeting
19 that I had with representatives of OFCCP, they discussed
20 or wanted to discuss with us two, what they call high impact
21 areas, two industries that they were interested in in pur-
22 suing. One was the utilities and one was the motion
23 picture industry. And so at that time we discussed what
24 would be feasible in terms of our approach, we discussed
25 various kinds of possible strategies and options and so forth.

1 we recognized that we really didn't have a lot of informa-
2 tion that we would need. We also recognized our probable
3 jurisdiction problem as covering only a small part of the
4 entire industry.

5 Following that, I think about April of that year,
6 Ms. Diane Graham, from the OFCCP, was out here and met
7 with the association and met with some of the community
8 groups. We discussed it further, developed, did a little
9 more research into some of the data that I referred to,
10 which indicates that the problems in the industry and also,
11 of course, further confirmed the extent of our problem with
12 respect to jurisdiction.

13 So, after all of this, OFCCP and GSA concurred
14 that for the time being, the most feasible approach would
15 be to review those contractors in the industry which --
16 where we could establish that there was a contract relation-
17 ship under the regular order four, order 14 procedures, and
18 of course, that's the process that has been now started
19 and has taken a little longer to get started than we had
20 originally projected. But that's at the point, at this
21 point the policy that we're pursuing.

22 Q (By Ms. James) In your statement and in your dis-
23 cussion, a major barrier to successful completion of these
24 compliance things seems to be the jurisdictional question.

25 A Yes, that's correct.

1 Q Have you considered at all possible legislation
2 that Congress could consider that might clarify these, how
3 foggy this jurisdictional issue is, have you made recom-
4 mendations to Congress on that at all?

5 A Well, we, among staff, of course frequently discuss
6 this. As a possibility. And I understand that, you know,
7 there's -- there's a potential of legislation being intro-
8 duced in the Congress?

9 Q Next session?

10 A In the next session, but I only have this informally,
11 I don't have any direct knowledge of this. I don't know
12 that at this point that our agency has taken a position
13 with respect to it.

14 As you may know, the OFCCP has issued proposed rules
15 and regulations and of course we're in the process of
16 commenting on those, that would not accomplish the objective
17 that you speak to, but it would accomplish, I think in
18 many respects, some improvements in our ability to deal
19 effectively with industry because it would give us some
20 flexibility and -- in our arrangements with contractors.
21 So that's the issue at the moment.

22 There are, of course, also many potential negative
23 questions about these proposed regulations so at that
24 point, that issue is occupying us more than being involved
25 in the other area. I'm sure, though, as an agency we would

1 certainly be interested in that kind of legislation if
2 it comes about.

3 Q (By the Chair) Mr. Ballard, yesterday Mr. Hughes
4 from Universal, in his parting statement, clearly said
5 that he would give our committee a copy of the affirmative
6 action plan once it is approved. From today's discussion
7 I assume you are the approving agency?

8 A That is correct.

9 Q When may we anticipate the approval, completion and
10 approval?

11 A Well, as I said, a few minutes ago, this is high
12 priority, I will not be back in my office till Wednesday,
13 Thursday of next week, I would hope that sometime in
14 November I will have completed our review of it and at
15 that point I'm not predicting now what our position is,
16 if it's back to the drawing boards, then Mr. Southard's
17 got more work to do. If it is approval, then we will,
18 of course, be notifying Universal of the approval and
19 acceptance of the plan and it would certainly be available
20 to you.

21 Q Fine. One final question from Mr. Southard, I
22 guess, since you are the regional administrator for this
23 area, who did you meet with when you went out to Universal,
24 what kinds of people, I guess I'm looking for identification,
25 not in terms of specific names but in terms of titles and

1 in terms of ethnicity and sex?

2 A (By Mr. Southard) The -- I didn't do the review
3 personally. However, the review included meeting with the
4 chairman of the board, Mr. Wazelman (Phonetic) --

5 Q Who is a White male?

6 A Who is a White male. It included various represen-
7 tatives of the industrial relations staff, some of whom
8 are White males and some of who are Hispanic and Black.

9 Q Males?

10 A Males.

11 Q May we get an accurate breakdown from you?

12 A We can supply the breakdown of the people that we
13 met with at Universal, I don't have it.

14 Q Right, but our staff will get in contact with you.

15 A I'll be happy to supply that, yes.

16 THE CHAIR: Thank you, are there any additional
17 questions?

18 We thank you two gentlemen for waiting it out.

19 And we will now move rapidly into open session.

20 We are running behind schedule and we'd like to
21 proceed with those of you who are on the list for the
22 open session to make your remarks as brief as possible
23 and also to submit to us written testimony so that we may
24 include that in the record as well.

25 First on our list is Ms. Verna M. Canson. Ms. Canson?

1 Ms. Canson, for the record and our Court Reporter,
2 would you give us your name and spell it out, please?
3

4
5 MS. Verna M. Canson
6

7 A (By Ms. Canson) Thank you very much.

8 Mr. Chairperson, Members of the subcommittee of the
9 advisory committee, my name is Verna M. Canson. Mrs.
10 Verna M. Canson. I'm regional director --

11 Q (By the Chair) Could you spell it out, please?

12 A C-a-n-s-o-n. I am regional director of the west coast
13 region NAACP. Thank goodness for the newspaper, I found
14 out about the hearing.

15 I wish to request permission to file a formal
16 statement at a later date in behalf of the west coast region.

17 Q Fine.

18 A The issues that you are discussing today are not
19 new among Black people. And certainly not new to the NAACP.
20 The serious problems facing Blacks, other minorities and
21 women, in the industry was the major reason for the organi-
22 zation of the Beverly Hills-Hollywood branch of the NAACP.

23 This branch is one of more than 100 youth and adult
24 units of the western regional of the National Association
25 for the Advancement of Colored People. You have already

1 been told of the great disparity in the number of Black
2 writers and producers. Our normal testimony which we will
3 submit will cover this aspect as well as other aspects of
4 the problems Blacks are facing in the industry.

5 My office is working with our national labor
6 secretary, Mr. Herbert Hill of New York, as well as
7 several of the branches in this immediate area. We have
8 already begun our investigations into the area of public
9 broadcasting. Our national convention policy resolution
10 will be a part of our formal testimony which will be
11 submitted to you.

12 You are aware, of course, of our present crisis,
13 the NAACP faces a struggle to deal with judicial atrocity
14 rendered against us by a Mississippi judge court -- of the
15 Chancery Court. The crisis occupies most of our time and
16 resources at this time.

17 However, the seriousness and the potential for jobs
18 and income are such in the area that you are discussing
19 that we will indeed submit to you a detailed report.

20 I certainly thank you for this opportunity. I want
21 to say, I commend the U.S. Civil Rights Commission on its
22 persistence in the face of the retreat of the federal
23 government from the area of rights of Blacks, other
24 minorities and women, you have been a fortress, you were with
25 us when we pleaded before federal court judge last week in

1 Mississippi and we are grateful that you are here, reference
2 your job as a tedious one but indeed we've been at it 67
3 years and all we can say is don't despair.

4 Thank you.

5 THE CHAIR: Thank you, Ms. Canson, we'll be very
6 happy to receive additional material from you and the
7 committee is well aware of your activities and the leader-
8 ship you've taken in the area of civil rights.

9 Mr. Joe Ortiz? He's not here.

10 Mr. Harold Scott?

11 MR. SCOTT: Yes.

12 THE CHAIR: For our Reporter and for the record,
13 would you identify yourself, your name, your occupation?
14
15

16 MR. HAROLD SCOTT
17

18 A (By Mr. Scott) My name is Harold Scott, I'm an
19 engineer at the National Broadcasting Company in Burbank.

20 Q (By the Chair) Would you spell your name for our
21 Court Reporter, please?

22 A S-c-o-t-t.

23 Q Thank you. Please proceed.

24 A I'm representing a group of Black engineers in the --
25 this is cameramen, audio people, the technical staff, behind

1 the camera people. And our complaint is not with, you
2 know, hiring, although certainly there is problems there,
3 I mean how many people they're hiring, but rather after the
4 guy is hired, there's no promotions. There's absolutely
5 no Black person in the management in engineering and cer-
6 tainly there's been a long enough time for people to have
7 aspired to these positions and we have qualified people.

8 It seems to be somewhat of an organized effort to
9 prevent Blacks from getting into these higher positions,
10 even within, staying within the union, not let's set aside
11 management positions in engineering, and let's say we have
12 a position called a technical director, which is the guy
13 that pushes the buttons.

14 He's kind of like a foreman, he's still in the union,
15 he's -- he tells the other guys on the crew what to do
16 from a particular studio, we have none of these guys who
17 are Black and we certainly have people who are qualified.

18 And I really just want to keep my, since I'm repre-
19 senting 16 people, I really, I don't want to make you know,
20 I mean I've submitted a letter --

21 Q You have submitted a statement, right?

22 A And it's kind of toned down from the way we really
23 feel but we don't want to stick any of these guys out on a
24 limb.

25 As Mr. Sillas said in the opening statement that we're

1 protected, and stuff, that's a bunch of -- well, it's
2 kind of like the analogy about a padlock, it only keeps
3 honest people out, okay?

4 Now, if there wasn't a problem here, I mean, you
5 know, then certainly we could, you know, go along with the
6 protection and everything, but there is a problem.

7 Q We recognize that.

8 A Okay. There also seems to me -- okay, I'll let the
9 statistics speak for themselves, several people have made
10 reference to parity. As you can see there is none and
11 it's, I mean it's out and out, I mean the statistics
12 speak for themselves.

13 As far as I'm concerned, the only comeback the company
14 would have against this would be that they don't have
15 qualified people, and I say I welcome you people to --

16 Q Maybe we can ask you some questions, how are these
17 technical directors hired, on what basis?

18 A They generally work up from being a cameraman or,
19 you know, they're regular people on the staff, the regular
20 staff engineers.

21 Q And these technical directors that you are talking
22 about that have been selected from the staff engineers,
23 have all been White males?

24 A Yes, that is correct. There are no women technical
25 directors.

1 Q Are there any job descriptions for these technical
2 directors?

3 A As has been testified earlier, the only job
4 description we have is in the collective bargaining agree-
5 ment. It states, you know, what the classification is
6 and everything. I'm sure that there should be -- it's
7 kind of a phony thing. We'll have to talk to the personnel
8 department at NBC whether they have a definite job descrip-
9 tion. If they don't I challenge them to say that it's
10 common knowledge what the duties of this, you know, person
11 is.

12 Q In your opinion, how, what qualified these technical
13 directors, these individuals who became technical directors,
14 assuming that all of you are equally qualified, why did
15 they select one person, a White male, as opposed to -- you've
16 said Black engineers were equally qualified, assuming
17 everybody was equally qualified, why select the White male
18 as opposed to the Black?

19 A Well, let's say that that's the reason I'm here,
20 and addressing myself to the problem of prejudice that's
21 the only thing. I've searched my mind to figure out
22 why they have not selected the Black, and it's got to be
23 prejudice because certainly we have people on the staff.

24 Okay, what they look for, leadership ability, because
25 you are a foreman, so to speak, I mean I use the word

1 foreman because you probably can relate to that in a union
2 where you're the highest guy on the job, who's still in the
3 union. Other than management. And you're responsible for,
4 say 15, 20 guys on the show. And the camera guys, cable
5 kickers, the audio man, the audio assistant, the lighting
6 director, you're, in essence, the head technical man on the
7 show. Outside of management.

8 And they look for, you know, the ability of the guy
9 to get along with the production people because a director
10 tells you, okay, give me camera one, do this, this other
11 director might make a comment that the cameraman is not,
12 you know, the guy's kind of slow, you know, talk to him
13 about this and that.

14 Q Mr. Scott, I hate to interrupt you here but I think
15 your interest would be best served if we could get some
16 specific examples or instances from you and perhaps the
17 best way for us to handle that would be to ask our staff
18 to interview you.

19 A Okay, I'd be very glad to do that.

20 THE CHAIR: Are there any questions from members
21 of the panel?

22 A Let me say one thing, though, going on with the -- it
23 seems to me that we've had testimony from the movie industry,
24 Universal City, well, various large studios, and we've had
25 the people from the three major networks, so you would think,

1 but for instance you've had the general manager of KNBC
2 here. And he spoke of all the programs that are going
3 along and how he's complying with the affirmative action
4 stuff. But he's only a small part. I mean, you know, we've
5 totally neglected, I mean we're talking about engineers
6 only, National Broadcasting Company, who produces most of
7 the shows.

8 THE CHAIR: I think we realize that, Mr. Scott, and
9 we share your frustration in that respect, too.

10 A Okay.

11 THE CHAIR: Thank you.

12 Ms. Francis Friday?

13 Ms. Friday, would you identify yourself for our
14 Reporter?

15
16
17 MS. FRANCIS FRIDAY

18
19 A (By Ms. Friday. Yes, my name is Francis Friday
20 and I'm an actress and a writer. And the reason I'm here
21 today is because this morning I took a bath, I used soap,
22 and I used perfume, and other things which television tells
23 me to buy. But when it comes to being available for
24 commercials, I am told that I am undesirable because I am
25 Latin. And my children are also actors and they have also

1 been told that they're undesirable because the industry
2 does not want to use ethnic-looking children on television.

3 I have taken steps to write letters to various com-
4 panies which have refused to, you know, do commercials,
5 to use Latino people. And I have seen some changes made,
6 but they have been very little, only to pacify us.

7 But they refuse to face the fact that we exist,
8 though they want us to buy their products, and they want
9 us to watch their programs. The people in Nosotros had
10 been highly discriminated against because we have been
11 training and preparing ourselves for parts of all kinds.
12 Yet when the parts do turn up, they want us to use a
13 Spanish accent.

14 I recently went up for a series and was told by the
15 producer that they had interviewed 200 Latino actresses,
16 but they were thinking about using a Jewish girl because
17 the Latino actresses could not use a proper Spanish accent.

18 Now, I ask you, what is a proper accent? And why
19 must we always be identified with Spanish accents? You
20 know, we're people, we are Americans, and I don't under-
21 stand the disparity between buying and selling and being
22 termed undesirable when I go for a part or an agent tells
23 me, no, I'm sorry, they don't want to see you. They are
24 not hiring Latins at all.

25 The few Latins that are hired, they want us to play

1 prostitutes, robbers, all kinds of undesirable characters.
2 Yet we are trained to be teachers, judges, nurses, doctors,
3 we can serve in those professions if we are trained.

4 Yet we can not portray those parts. And I don't
5 understand it, I really don't.

6 THE CHAIR: Fine, I think you've hit on the core
7 of our hearing the past two days. Thank you.

8 Mr. Charles?

9 Mr. Charles?

10
11 (No response)

12
13 THE CHAIR: Mr. David Lazarin?

14
15 (No response)

16
17 MS. JAMES: He said if he couldn't stay he did
18 leave a written statement with us.

19 THE CHAIR: Fine. Well, that's the end, then, of
20 the people who requested to make a statement during the
21 open meeting.

22 I'd like to thank all of you for sitting so patiently
23 and listening, and I have one final thing I would like to
24 read into the record. This is a draft copy of a letter
25 that Chairman Sillas will be sending to the commissioners,

1 U.S. Commissioners, Commission on Civil Rights. Dear Sirs
2 and Madame. The California Advisory Committee have just
3 completed two days of an open meeting on opportunities
4 for minorities -- let me start again.

5 The California Advisory Committee just completed
6 two days of an open meeting on opportunities for minorities
7 and women in the motion picture and television industry.
8 The evidence received at the open meeting strongly suggests
9 that opportunities for minorities and women are far
10 from equitable, in fact may have declined since 1970.

11 Three major motion picture studios declined to
12 appear before the advisory committee. Paramount, 20th
13 Century Fox and Warner Brothers. The International
14 Alliance of Theatrical and Stage Employees also declined
15 to appear. Station KNXT sent written materials but declined
16 to appear to answer questions.

17 Motion pictures and television have a large responsi-
18 bility for fairly conveying the concerns, needs and cultural
19 heritage of all Americans. We are deeply troubled by the
20 apparent lack of commitment to equal opportunity by the
21 studios, unions and the station.

22 In California, this industry is a major one and
23 generally establishes the images of minorities by way of
24 their films. Their impact on the total community is very
25 significant.

1 On behalf of the advisory committee, I respectfully
2 request that the commission include a one-half day -- that
3 the commissioners include a one-half day of your visit to
4 California to subpoena information and receive testimony
5 from industry representatives who declined to participate
6 in our open hearings, so that our report will be thorough.

7 We feel that the industry requires immediate and
8 thorough review. Thank you in advance for your prompt
9 review of this request.

10 This will be sent out forthwith under Mr. Sillas'
11 signature.

12 Thank you again, and this concludes our open hearing.

13
14 (Hearing adjourned)

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1 STATE OF ARIZONA)
2 COUNTY OF PIMA)
3
4
5

6 I, JAMES E. BOULEY, do hereby certify that I am
7 an Official Shorthand Reporter; that I was present at the
8 hearing of the foregoing matter; that I took down in
9 shorthand all proceedings had and testimony adduced at said
10 hearing; that the same was thereafter transcribed under my
11 supervision, and the foregoing 508 pages represent a com-
12 plete and accurate transcription of my shorthand notes
13 so taken.

14 WITNESS MY HAND this 6th day of November, 1976.
15
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20 Official Shorthand Reporter
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