

Opportunity Commission—the agency most directly responsible for execution of federal antidiscrimination policy. According to EEOC Chairman Clifford L. Alexander, “it has been the experience of the EEOC that a periodic showing of affirmative action is usually necessary to effectively eliminate discrimination.” The FCC proposals, he said, do not require broadcasters to meet the standards of existing federal antidiscrimination laws, and are therefore “unlikely to have any appreciable effect on the shocking minority employment patterns in the broadcasting industry.”

The thrust of reply comments by ABC, on the other hand, was that the noblest of intentions will be squelched if procedures for implementation are too great an administrative burden. According to ABC, the commission's notice requirements—and the proposal by some groups that broadcasters bear the burden of proof—are solutions which will lead to unnecessary duplication of existing antidiscrimination efforts.

And, in its final effort, the United Church of Christ took exception to several of the broadcasters' arguments. One of these was the view, previously expressed by CBS and Eastern Broadcasting Corp., that the commission should apply its procedures for dealing with alleged antitrust violations to discrimination questions. As applied to racial bias, the broadcasters said, these require the listing on license renewal applications of all lawsuits alleging discrimination to which the applicant is a party, and the commission would then decide on a case-by-case basis what action to take. Actually, the church said, antitrust procedures are far more complicated than that; they require an extremely elaborate disclosure of economic interest. Antidiscrimination procedures should be at least as inclusive, according to the church.

Other broadcasters had argued that charges of bias should be likened to fairness-doctrine violations; that is, a licensee's compliance should be assumed in the absence of complaints. The church's filing countered that fairness questions are “clearly more complex and less susceptible of objective appraisal” than charges of discrimination. Racial bias, UCC said, can be curtailed through more direct action; and, the church added, the action should be taken now.

WAZL's Diehm heads MAAC for another year

Victor C. Diehm of WAZL Hazleton, Pa., was re-elected chairman of the Mutual Affiliates Advisory Council (MAAC) at the group's fall meeting with Mutual officials in New York last

Thursday (Nov. 14).

Henry Rau of WNAV Annapolis, Md., and WDOV Dover, Del., was elected vice chairman. Keith Munger, KCOK Tulare, Calif., was re-elected secretary, and Ed Breen of KVFD Fort Dodge, Iowa was named treasurer.

The elections were held in the morning session of an all-day closed meeting said to be devoted to wide range of internal business affairs and other activities and plans.

U asks FCC aid in quest for ABC

San Diego outlet wants network relay authority to Tijuana stopped

KCST(TV) (ch. 39) San Diego, is parlaying its proximity to an international border and some old FCC and appeals-court decisions into an effort to obtain the ABC-TV affiliation now held by XETV(TV) in nearby Tijuana, Mexico.

KCST, which resumed operations in January under new ownership, combined these elements in a petition in which it asked the FCC last week to deny ABC's application for extension of authority to transmit network programs to the Mexican station.

KCST indicates its belief that, if the application is denied, ABC will pick it up as the San Diego affiliate. Each of the other two operating commercial stations in the market is affiliated with one of the other networks. The stations (KFMB-TV and KOGO-TV), like XETV, are VHF's.

The commission granted ABC the first of a series of one-year authorizations to feed XETV in 1955. But, KCST noted, in affirming that decision the commission held that the grant would serve the public interest since there was then no “operating or authorized third television station in the San Diego area by which such [third network] choice would be provided. . . .”

KCST also recalled that the San Diego stations then operating appealed that decision and that the court subsequently remanded the case to the commission for a hearing in which the commission was directed to determine the character of XETV's nonnetwork programming and to determine whether the public interest was served by strengthening the station's U. S. audience through its broadcast of ABC programming.

The commission, KCST noted, stuck to its original decision—that the grant would serve the public interest, and in the process, the commission “excused such factors” in XETV's performance as 90% entertainment programming, a small amount of Spanish-language

broadcasts and a “lack of public-service broadcasts and local origination,” KCST said.

The station added that the commission had cited XETV's representations that improvements would be made. But, KCST said, “notwithstanding the commission's reliance on XETV's various representations . . . XETV's programming has, in fact, not improved.” KCST said it consists of network and syndicated programming, entirely in English, U. S. advertising, and an occasional taped public service announcement.

KCST said the “defects” in the Tijuana station's programming and the commission's “repeated assertion that ABC network program transmission to XETV were authorized . . . solely because of the lack of a third television station in San Diego” to carry ABC programs, require the denial of ABC's application for extended authority to feed XETV.

“The only public interest reason for a grant is now irrelevant because KCST is available for an ABC affiliation,” KCST said.

KCST's petition apparently had its genesis in the oral argument the commission held on April 26 on the request of San Diego television stations for restrictions on CATV importation of Los Angeles signals into their market. A question arose regarding ABC's affiliation with a Mexican station south of San Diego, and former Commissioner Lee Loevinger asked whether it would not be simpler if the commission were interested in having “three local network stations that would also provide whatever local programming such stations provide, to have the third network broadcast over a San Diego station.”

KCST's counsel, Arthur H. Schroeder, who participated in the hearing, said he had not checked into the matter of the commission's authority in the area. But he expressed the view that the commission could refuse to permit ABC to transmit its programs to the Mexican station. “Then they would be forced to seek another in San Diego,” he said, in a portion of the transcript quoted in the KCST petition.

KCST, formerly KAAR(TV), was acquired by its present owner, Western Telecasters Inc., for \$1.1 million, last year. Since acquisition, Western has spent \$1,360,000 on improvements, and it has lost \$650,000 since the station went back on the air in January.

KCST, asserting its programming “competes” in all respects with the Communications Act and commission rules, said its carriage of ABC programming will enable it to increase its audience and revenues and “further expand its public interest programming.” This, KCST said, is consistent with the commission's long-standing policy to encourage the development of UHF broadcasting.