

Rebuttal to black charges

Evening Star Broadcasting Co.'s WMAL-TV Washington on Friday (Oct. 3) submitted three-volume response, totaling some 1,000 pages, to petition to deny its application that was filed last month by group of black Washington area residents (BROADCASTING, Sept 8).

Massive pleading, in urging FCC to deny petition, rejects blacks' contentions that WMAL-TV has discriminated against Washington's large black community, in terms of programing and employment, and has been untruthful in reporting on its survey of area leaders. WMAL-TV calls charges "totally unfounded."

Pleading also attacks as unscientific and misleading statistical study done by Institute for Policy Studies, of Washington, of performance of 32 television stations in Washington, Maryland, Virginia and West Virginia. Study was relied on by blacks in asserting that WMAL-TV has compiled poor record of service, particularly when judged against its size and resources.

IPS also issued another study last week, virtual how-to manual, on procedures for license-renewal challenges (see page 36).

Counsel for WMAL-TV, in letter to commission submitted with pleading, said that while WMAL-TV "demonstrates" blacks' charges are unfounded, "it fully understands the circumstances which have led to [the petition to deny]. The petition represents the natural and inevitable resentment and anger of sensitive and intelligent black citizens to historical social injustice and to the institutions of a society that has long segregated and discriminated against them.

"Unfortunately, petitioners in this case have simply hit out blindly and have struck the wrong target. WMAL-TV . . . has been sympathetic and helpful to the cause petitioners claim to serve."

WMAL-TV supplied massive detail to buttress claims it has carried many programs relevant to black community and that dealt specifically and sympathetically with problems of special interest to blacks. It also supplied data in support of claim it has shown, "many blacks, both in news and entertainment programs."

And WMAL-TV said it follows non-discriminatory employment policy that complies with all relevant government requirements." It said it employs 24 minority group members, 22 of them black. Of black employes, "only five are employed in custodial positions."

WMAL-TV said petitioners' allegations

of misrepresentations are based on distortions of its renewal application. WMAL-TV recited instances in which, it said, its representatives conferred with individuals who now say station did not contact them.

WMAL-TV said statistical study of IPS, designed to compare performance of stations surveyed on basis of various programing categories, is seriously deficient on several grounds. It notes that IPS does not take into account fact stations classify programs differently. *Girl Talk*, for instance, is entertainment to some stations (like WMAL-TV), but public affairs to others.

Furthermore, it says IPS figures are wrong. "Contrary to the Institute's conclusions," station said, "WMAL-TV has actually reduced, rather than increased, its composite week entertainment and sports programing between 1963 and 1969."

WMAL-TV also supplied study by Resource Management Corp. of IPS report. It revises IPS survey, "using actual facts as to WMAL-TV." And, instead of ranking 25th among region's stations, as in IPS study, WMAL-TV is found to rank anywhere from 7th to 17th. If programing of other 31 stations were reclassified on uniform basis, WMAL-TV added, "it would rank correspondingly higher."

CBS third in MNA's

CBS-TV fell behind NBC-TV and ABC-TV for second time in Nielsen 70-city multi-network area (MNA) ratings out Friday (Oct. 3). This time, ratings period covered CBS's premiere week (Sept. 22-28) (see page 42).

Average ratings for week were NBC 19.8, up 8% over last year; ABC 18.5, up 13%, and CBS 17.7, down 5%.

CBS's new shows ranged in shares from 22 to 28, with *Governor and J. J.* on low end and *Jim Nabors* at top. None of new shows appeared in top-20 list, but CBS's *Charlie Brown Special*, *Jackie Gleason* season premiere and two-part movie, "Guns of Navarone" did.

NBC's evening of comedy Sept. 22 proved to be formidable competition, with all three programs in top 10. ABC's premiere of *Marcus Welby, M.D.* also did particularly well in ratings.

Top-10 Nielsen MNA programs were *Bob Hope Special* (NBC); Sunday movie, "Nevada Smith" (ABC); *Flip Wilson Special* (NBC), tied with Saturday movie, "Shenandoah" (NBC); *Charlie Brown Special* (CBS); *Marcus Welby* (ABC); Bill Cosby (NBC), tied

with Friday movie, "Guns of Navarone" (CBS); *Laugh-In* (NBC), and Movie of the week, "Seven in Darkness" (ABC).

New production house

Bruce Campbell, one of founders of and principals in Campbell, Silver, Cosby Corp., TV-radio production-distribution firm, has formed with screenwriter Dalton Trumbo. Bruce Campbell and Dalton Trumbo Co., Beverly Hills, Calif., new film production company.

KRLD spin-offs planned

Times Mirror Co., Los Angeles, plans to dispose of radio properties of Times Herald Publishing Co., Dallas, when merger of two major newspaper firms is consummated. Members of New York Society of Security Analysts were told of these plans by Times Mirror President Albert V. Casey. Publisher of *Los Angeles Times* however, will seek approval from FCC of transfer to its ownership of KRLD-TV Dallas-Ft. Worth, now owned by Times Herald.

Two radio properties that would be dealt off are KRLD-AM-FM Dallas. Sale would accord with FCC's one-to-customer rule, Mr. Casey said.

Merger, involving \$91-million worth of stock and bringing Times Herald under ownership of Times Mirror, was announced last month (BROADCASTING, Sept. 22).

WIFE gains reprieve

WIFE-AM-FM Indianapolis were found by FCC Friday (Oct. 3) to have conducted fraudulent contest and to have sent false invoices and affidavits to advertisers while on short-term license renewals. Commission sanction: another short-term renewal, this one for six months and subject to various conditions designed to assure stations' compliance with rules and regulations.

In order adopted by 4-to-3 vote commission said denial of renewal of licenses would be "unduly harsh" since principal owner, Don Burden, had lacked knowledge of offenses and had made restitution to overcharged advertisers.

Dissenters were Commissioners Robert T. Bartley, Kenneth A. Cox and Nicholas Johnson. Commissioner Johnson, in statement in which Commissioner Cox joined, called WIFE decision "shocking" and "astonishing."

Offenses occurred during 1964, when commission placed WIFE-AM-FM on one-year probation for hypoing ratings. Stations are licensed to Star Stations of Indiana, and are part of Star Stations group, which also includes KISN Van-