

Burger Ruling Spurs Drive for TV Racial Equity

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JACKSON, Miss., July 15 —Community-mindedness has not always been the foremost concern of Channel 3, a television station here whose call letters are WLBT.

For years, the station seemed mindful only of the 60 per cent of this Deep South community that is white, once going so far as to flash “sorry, cable trouble” during a network interview with a black leader.

That approach eventually backfired, however, touching off a nationwide struggle over control of broadcasting licenses that is beginning to give millions of television and radio fans better programming and hundreds of station owners pause for something other than a commercial.

Channel 3, a National Broadcasting Company affiliate, now refers to itself as “your community-minded station.” A number of its screen personalities are black and a number of its programs are produced locally and oriented toward public service.

The key element in the changes here and elsewhere is mind. One of the five, Dixie National Broadcasting seems to have the edge, having already won the recommendation of one Commission examiner.

However, that recommendation has intensified the dispute surrounding WLBT, and at least one of the other applicants plans to challenge the recommendation on the ground that Dixie did not supply full information about its assets or the various business connections of many of its principals.

One Dixie principal is Rubel Phillips, a Jackson banker and close friend of Frederick LaRue, the Jacksonian who as former deputy of the Committee for the Re-election of the President, allegedly was involved in the Watergate affair.

“There are rumors flying everywhere,” says Charles Horwitz, a member of the Jackson Community Coalition for Better Broadcasting, a watchdog group. He adds:

“Dixie National isn't all that community minded. I know a lot of its stockholders and they're old-line Mississippians. If the F.C.C. goes back to its old ways and Dixie gets the license, it might be a step backward, not only for broadcasting here but also for broadcasting all

across the country.” an unprecedented 1969 court decision that lifted WLBT's license from the original holder, Lamar Life Broadcasting Company, on the ground that the station had violated its public trust by interjecting racial discrimination into its programming.

The license, one of more than 7,000 television and radio broadcasting permits controlled by the Federal Communications Commission, was subsequently given to Communications Improvement, Inc., which promised not only to treat its black and white audiences equally but also to hire black employees and to increase public service programming.

Mississippi has never seen anything like it.

Allies in Washington

What is more, dozens of television and radio stations from Syracuse to San Diego are suddenly taking similar steps to protect their licenses, a notable development in an industry traditionally dominated by whites and oriented unwaveringly toward maximum profit and minimum expenditure.

At the same time, these stations are hoping that powerful political allies in Washington, including the White House, will find ways to relieve the pressure, perhaps through a new broadcasting code.

“The fight isn't over yet by long shot,” says Ken Dean, the founder of Communications Improvement, Inc.

Nevertheless, much already has been accomplished, as random look at the screen in Jackson proves.

“Channel 3 your community-minded station,” the announcer intones as the black anchor man winds up the noon edition of Jackson news with several civic club announcements and a film report on James Meredith's newest civil rights crusade.

Seconds later, after a supermarket advertisement, the screen fills with a picture of black and white preschoolers romping together. “Playmates,” a locally produced education program with a Negro woman as host, is on the air.

The playmates caper for 30 integrated minutes, then fade noisily from the screen as the announcer again intones:

“Channel 3 Your community-minded station.” tabs on broadcasting. He concluded:

“Broadcasters are temporary permittees — fiduciaries — of public resource, and they must meet the high standards which are embraced in the public interest concept.”

Following the Burger decision, Communications Improvement, Inc. was formed in Jackson.

An ad hoc, nonprofit organization, it won permission from the F.C.C. to run WLBT on temporary basis until the commission can choose a permanent licensee from among five applicant companies. That process is already bogged down in acrimonious rivalry.

The Burger decision was not the first to lift a broadcasting license. A few other permits had been taken earlier because of various violations of commission regulations.

But the Burger decision was the first to recognize the right of a citizens' group to question a station's performance. Furthermore, the decision was perhaps the clearest enunciation ever of a broadcaster's duty the public, a duty based mainly on the fact that only a limited number of radio and television wavelengths are available and therefore they must be regulated.

None of this was lost on the United Church of Christ, which immediately stepped up monitoring operations and began offering advice to other civic groups.

Possible Legal Action

"Today," says Everett C. Parker of New York, director of the church's office of communications, "stations from coast to coast are being watched, probably a hundred or more." He adds:

"Some face legal action. But most are escaping that by agreeing to improve programs and to hire minority workers. It's either negotiate or go through a costly, time-consuming suit. Take your choice."

In Jackson itself, the Burger decision has done more than put black faces on the air and provide viewers—particularly black viewers — with better programs.

"Our improved performance has helped get us the No. 1 viewing rating in the area," reports William Dilday, WLBT's general manager. Mr. Dilday is black, the first Negro in the country to run a television station.

Referring to WLBT as "the Jacitte Rocinson of television," he says:

"Initially, we lost a few advertisers and viewers. But they've come back, and this year we're going to make money, plenty of it, upwards of several thousand.

"Of course, we're nonprofit, so we'll plow it back or turn it over to foundations and school programs and the like."

Spurred by Competition

Feeling the competition, Jackson's two other television stations and stations elsewhere around the state are beginning to add black broadcasters and black news. Civic watchdog groups are adding to the pressure, particularly in Jackson.

WLBT's signal, the most powerful one in Mississippi, reaches a million people, about three-fourths of them residents of other towns and cities. This gives the station particular profit potential in an industry in which profits are already among the highest in the country.

The five companies competing for the lucrative license have all promised to keep community interest foremost in

Burger Presided

The challenge that brought about this sort of programming on WLBT originally came from the United Church of Christ, a denomination long active in the civil rights struggle. Rebuffed originally by the traditionally staid Federal Communications Commission, the church carried its case to the United States Court of Appeals for the District of Columbia, presided over at the time by Warren Burger, now Chief Justice of the United States.

The church alleged in general that WLBT had systematically discriminated against the black community here. Specifically it charged that the station had dropped an advertisement for a "Bonanza" show starring Negro, that it had prematurely cut away from a network report showing whites attacking civil rights demonstrators, and that it had flashed the sign reading "sorry, cable trouble" (luring the network interview with the black leader).

Judge Burger not only found in favor of the church but also criticized the communications commission for "profound hostility" to civic groups keeping

White House Bill

There already are more solid signs of backtracking. In Washington, several bills have been proposed—one by the White House—that would make it more difficult for citizens' groups to challenge station performance.

Currently, broadcasting licenses are valid for three years. They may be challenged at the end of that period when they come up for renewal.

The bills now being considered would extend license validity to five years, and tighten procedures for challenges.

Meanwhile, the liberalizing impact of the WLBT court decision continued to be felt across the United States.

The list of towns and cities now tuning in on better broadcasting includes not only Jackson, Syracuse and San Diego but also Texarkana, Atlanta, Gary, Ind., Memphis, Youngstown, Ohio, Albuquerque, New Mexico, and Bakersfield, Calif.

In Houston, civic groups have forced “soul” radio stations to strike excessive claims and patronizing language from commercials.

In New Jersey, which has few television stations of its own, a Coalition for Fair Broadcasting has won better television coverage by negotiating with the New York stations that New Jerseyans traditionally watch.

In Birmingham, civic organizations are challenging a newspaper's right to own a television station, alleging news monopoly.

In Massachusetts, numerous civic groups are demanding that stations hire more women.

“There's action everywhere you look,” says the Rev. George Brewer of Dallas. He adds:

“When we learned of the Jackson decision, we set up Coalition for the Free Flow of Information and approached local stations about covering minority affairs and hiring blacks and Mexican-Americans.

“They ignored us—until we told them we would go to court. Then they started calling me ‘Mr. Brewer’ instead of ‘you.’

“Now we've got local TV doing special; on everything from racism to overcharging in ghetto stores.

“People are seeing things they've never seen before.”