

**WBRZ TV**  
**Tvscan Package Plan -- Week by Week Summary**  
**BATON ROUGE -- JUL/92 ARBITRON**

<b>Agency</b> : WEINER AND WEINER	<b>Package No.</b> : 159
<b>Buyer</b> : ROBERT REVEL	<b>Sched Dates</b> : 09/22/92-10/02/92
<b>Advertiser</b> : TOM ED MCHUGH - POLITICAL	<b>Lengths</b> : 30
<b>Product</b> : MAYOR PRESIDENT - EBR	<b>Dayparts</b> : CDE1LPA2
<b>Salesperson</b> : CAROL CARTER	<b>Rate Card</b> : J
<b>Assistant</b> : SHARON BEAM	<b>Telephone</b> : 504-336-2226
	<b>Date Due</b> : 09/15/92

Program/Descr.	Run-Dates	Wks D	Avg-Rate	SE	SE		TY
Len Days Times	Spts	Total-Cost	22	28			
<b>WBRZ ABC 2</b>							
TUNE IN	SEP22-OCT04	2 C	\$125.00	3	5	Tue, Wed	TP
30 MO-FR 6:00A- 7:00A		8	\$1,000.00				
GD MORN AMER	SEP22-OCT04	2 C	\$100.00	3	5	Tue, Wed	TP
30 MO-FR 7:00A- 9:00A		8	\$800.00				
ALL MY CHILD	SEP22-OCT04	2 D	\$125.00	3	5	Tue, Wed	TP
30 MO-FR 11:00A-12:00P		8	\$1,000.00				
OPRAH WINFREY	SEP22-OCT04	2 E	\$200.00	3	5	Tue, Wed	TP
30 MO-FR 4:00P- 5:00P		8	\$1,600.00				
EYEWTS NWS 5	SEP22-OCT04	2 1	\$250.00	2	2	Tue, Wed	TP
30 MO-FR 5:00P- 5:30P		4	\$1,000.00				
EYEWTS NWS 6	SEP22-OCT04	2 1	\$425.00	1	1	Tue	TP
30 MO-FR 6:00P- 6:30P		2	\$850.00				
NFL M FOOTBALL	SEP28-OCT04	1 P	\$900.00	--	1		TP
30 MON 8:00P-11:00P		1	\$900.00				
EYEWTS HW T-S	SEP22-OCT04	2 2	\$425.00	1	1	Wed	TP
30 TU-SU 10:00P-10:35P		2	\$850.00				

*10/2*  
*WK 8 9/22*  
*12-1230 News*  
*T, Wed*  
*9/28*  
*M-F 5x*

*350*  
*146*  
*490*

*10/2*  
*Revised to 10/2*

WBRZ Schedule Totals: 41 \$8,000.00 16 25

2 Week Schedule Totals: 41 \$8,000.00 16 25

REACH AND FREQUENCY PROJECTIONS ARE COMPUTED USING THE BETA-BINOMIAL EXTENSION FORMULA  
 PREPARED BY THE TVSCAN RATINGS ANALYSIS SYSTEM. REPORT DESIGN & CONTENTS COPYRIGHT 1992 TAPSCAN, INC. (205) 987-7456  
 DATA FROM THE JUL 1992 ARBITRON. SUBJECT TO LIMITATIONS AND RESTRICTIONS STATED IN ORIGINAL REPORT.

*8-6931*

*Name of*

*Jill FAX*

*FAX*

*done!*

*140*

P.16/23



Post Office Box 2906  
Baton Rouge, Louisiana 70821  
Telephone: (504) 387-2222

\* All avails submitted are subject to prior sale. Rates quoted are valid for specific programs only in time period indicated. PROGRAM CHANGES SUBJECT TO NEW SUBMISSION. All rates subject to rate card #\_\_\_\_\_.

Account TOM ED MCHUGH Month SEPT./OCT.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
SEPTEMBER 20	21	6-7AM 2une In 22 7-9AM GMA 11AM-12N AMC 12N-12:30PM News 4-5PM Oprah 5-5:30PM News 6-6:30PM News	6-7AM 2une In 23 7-9AM GMA 11AM-12N AMC 12N-12:30PM News 4-5PM Oprah 5-5:30PM News 10-10:35PM News	24	25	26
27	6-7AM 2une In 28 7-9AM GMA 11AM-12N AMC 12N-12:30PM News 4-5PM Oprah 5-5:30PM News - 6-6:30PM News - 10-10:35PM News -	6-7AM 2une In 29 7-9AM GMA 11AM-12N AMC 12N-12:30PM News 4-5PM Oprah M-F Rotator 2x M-F Rotator 1x M-F Rotator 1x	6-7AM 2une In 30 7-9AM GMA 11AM-12N AMC 12N-12:30PM News 4-5PM Oprah	October 1 6-7AM 2une In 7-9AM GMA 11AM-12N AMC 4-5PM Oprah	2 6-7AM 2une In 7-9AM GMA 9-10AM Geraldo 11AM-12N AMC 12N-12:30PM News 4-5PM Oprah	3
	8-11p Monday Night Football					Total Cost = \$8,000

SEP 25 '92 03:47PM SAVE BABIES

*Auth  
Vaccin  
2  
9-50%*

*2FB*

**NAB FORM PB 13 April 1991 — Interim Form To Be Used Until New FCC Disclosure Requirements Adopted**



**AGREEMENT FORM FOR POLITICAL BROADCASTS**

STATION and LOCATION WBRE - Ch 2 9/18 19 92  
 I, Gary K. Weiner (being) Mayor McHugh  
 (on behalf of)  
 a legally qualified candidate of the Democrat's political party for the office of Mayor  
 in the Primary election to be held on Oct. 3, 1992, do hereby request station time as follows:

Length of Broadcast	Hour	Days	Class of Time	Times Per Week
---------------------	------	------	---------------	----------------

Part of Package or Rotation None Total No. of Broadcasts 1  
**GUIDELINES**  
**WERE RECEIVED & REVIEWED**  
 SIGNED [Signature]  
 DATE 9/18/92

Date of First Broadcast <u>9/22</u>	Date of Last Broadcast <u>10/2</u>
--	---------------------------------------

Total Charges: \$6,800.00 Net

The broadcast time will be used by \_\_\_\_\_  
 I represent that the advance payment for the above-described broadcast time has been furnished by Weiner & Weiner, Inc.

\_\_\_\_\_ and you are authorized to announce the program as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is ( ) a corporation; ( ) a committee; ( ) an association; or ( ) other unincorporated group. The names and offices of the chief executive officers of the entity are:  
Gary K. Weiner

I agree to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least \_\_\_\_\_ before the time of the scheduled broadcasts. (Note: the two preceding sentences are not applicable if the candidate is personally using the time.)

Date: 9/18/92 Gary K. Weiner  
 (Candidate, Supporter or Agent)

Accepted  Rejected By [Signature] Title Ex. Asst  
 This application, whether accepted or rejected, will be available for public inspection for a period of two years.

**To Be Completed By Station After Broadcasts:**

Dates	Hour	Class of Time	Part of Package or Rotation	Rate
Actual Schedule Run:				
Dates and Hour(s) of Makegoods, If Any: _____				
Amounts of Rebates Given Candidates, Dates and Hour(s) of Ads: _____				

SEP 29 '92 03:49PM SAVE ATES

**WEINER & WEINER, INC.**

11-91

1946

PH. (504) 928-6931  
2431 S. ACADIAN THRUWAY  
SUITE 280  
BATON ROUGE, LA 70808

September 17 1992

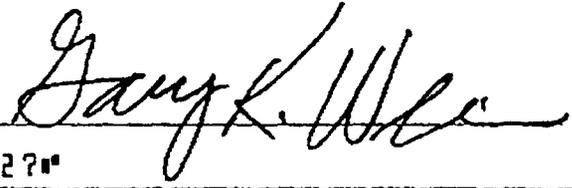
84-491/654

PAY TO THE ORDER OF WBRZ-TV - Channel 2 \$ 6,800.00

Six Thousand Eight Hundred and No/100 DOLLARS

 **Sunburst Bank**  
P.O. Box 2710  
Baton Rouge, LA 70821  
MEMBER FDIC

FOR Mayor Tom Ed McHugh TV Buy



⑈001946⑈ ⑆065404913⑆ 0502627⑈

P. 18/23

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NFL M FOOTBALL	SEP28-OCT04	1	P	\$900.00	--	1	TP
30	MON	8:00P-11:00P	1	\$900.00			
EYEWTS NW T-8	SEP22-OCT04	2	2	\$425.00	1	1	TP
30	TU-WU	10:00P-10:35P	2	\$850.00			

**WBRZ Schedule Totals: 41 88,000.00 16 25**

**2 Week Schedule Totals: 41 88,000.00 16 25**

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 DATA FROM THE JUL 1992 ARBITRON. SUBJECT TO LIMITATIONS AND RESTRICTIONS STATED IN ORIGINAL REPORT.

Pay to the order of  
 WBRZ  
 Three thousand, two hundred, eight and 75/100  Dollars  
 \$ 3208.75  
 SEP 23 92  
 84-728112854  
 FEDERAL RESERVE BANK OF PHOENIX  
 PHOENIX, ARIZONA 85001  
 AOS  
 King P. Carmichael  
 265172150 0011006328

# The Advocate

SEPTEMBER 29, 1992

## Candidate to fight WBRZ-TV's ban on graphic ads

FRANK MAIN  
local staff writer

Mayoral candidate Kim Carmouche said today he will fight ABC affiliate WBRZ-TV's ban to air his graphic anti-abortion ads that air on other local channels last week.

Carmouche, a self-described protest artist and the head of Operation Rescue Louisiana, is running against Mayor Tom McHugh and School Board member Ron Mason in Saturday's primary election.

Carmouche, mirroring many pro-life candidates across the country this year, is

running ads depicting the results of abortions.

CableVision of Baton Rouge Ltd. and WBRZ-TV ran the ads, but WBRZ-TV President Richard ManSHIP refused to air them after he reviewed the tapes Wednesday.

"I took one look at it and decided it was not suitable for our audience," ManSHIP said. "I have never seen anything that did to my heart what that spot did."

Carmouche presented six ads to WBRZ.

One of the 30-second spots, entitled "Life or Death," begins with women's voices saying: "It's just a blob of tissue," and "It's a woman's choice."

The ad shows pictures of embryos and fetuses, then shows what appear to be the products of an abortion, including an arm and a leg.

"Abortion is not a matter of choice. It's a matter of life and death," Carmouche says in the ad. The spot ends with a graphic telling Carmouche's candidacy for mayor.

Because WBRZ sold advertising time to McHugh, it is now required by federal law to accept ads for the other mayoral candidates, ManSHIP said. However, a station may censor a candidate's broadcast when it contains obscene matter or violates the federal

criminal code, he said.

"It certainly, in my opinion, contained material that was not suitable for our audience," ManSHIP said. "I'm sure there are plenty of people who would call it obscene."

Carmouche said he wrote a letter to the Federal Communications Commission on Monday appealing the decision of WBRZ.

WBRZ station manager John Speltz said the rejection of Carmouche's ads did not have anything to do with his pro-life position. He said the station would make time available to

See ADS, Page 8A

CONTINUED FROM 1A

Carmouche if his ads do not include material that the station considers offensive.

Carmouche said he probably would not change his ads for WBRZ.

Carmouche said he plans to ask CBS affiliate WAFB-TV to air his ads this week.

CableVision and WBRZ-TV (Channel 19) have already aired Carmouche's ads.

"Once we understood what material the candidate wanted to run, we consulted with our legal experts on political cable-casting who confirmed that the system was obligated under present FCC rules to exhibit the material," said CableVision general manager Dick Kirby. "I think it's unfortunate that current regulation forces us to run that kind of material during viewing times when children have such ready access."

Three of Carmouche's ads — "Life or Death," "Choice A/B" and "Abortion is Evil" — ran on MTV, USA Cable Network and CNN from Wednesday through Sunday, Kirby said.

Kirby said CableVision has received a few complaints from the public, but WBRZ-TV officials did not return a telephone call Monday.

A Federal Communications Commission ruling in August was the green light for anti-abortion candidates across the country to air graphic ads.

Earlier this year, an Atlanta television station asked the FCC to restrict the broadcasting of commercials, placed by a Republican candidate for Congress, which showed pictures of dead fetuses.

The FCC refused to declare the ad indecent or obscene, which would have permitted the station to air it only during hours when children weren't likely to be watching.

Candidates in Georgia, New York, Indiana and Louisiana have run anti-abortion ads since the ruling. This month, Kenner talk radio host Vincent Bruno, who is seeking U.S. Rep. Bob Livingston's seat, aired anti-abortion ads depicting dead fetuses on New Orleans station WWL-TV.

Carmouche said his ads were locally produced.

However, Kirby said: "It is our understanding that the abortion footage was the same as exhibited in spots run by other candidates throughout the country, including the Bruno for Life for Congress ad that ran in New Orleans."

Kirby said he was told the FCC reviewed the material and declined to classify it as obscene or indecent, which required CableVision to air Carmouche's anti-abortion ads.

"We would not knowingly violate their regulations," he said.

The FCC, however, issued an advisory opinion allowing television stations and cable systems to put disclaimers on graphic anti-abortion ads, Kirby said.

Local political analyst Roy Fletcher said WBRZ should have aired Carmouche's ad. The station was ignoring the First Amendment right to free speech, he said.

Fletcher said political ads are a clever way for anti-abortion activists to get their message on television.

"He (Carmouche) was hitting a lot of young voters on MTV," he said. "If you have a dramatic point to make about a controversial issue, it seems like a good way to do it."

But Ann Schiffman, director of Louisiana Choice, an organization that says women have the right to have abortions, said Carmouche's and Bruno's ads are "totally offensive."

Schiffman said the candidates are "making a mockery" of the electoral system by using federal law to air advertisements that are not pertinent to their races.

The ads also are counterproductive, she said.

"When these ads run, we get people volunteering to do work for us," she said.

Carmouche answered the criticism that his party's platform doesn't have anything to do with the mayoral race.

His "Hitler" spot, which did not run on CableVision's stations, shows apparent pictures of concentration camp victims from Nazi Germany.

"If the people representing you in Baton Rouge don't respect human life, what can they respect?" Carmouche said in the ad.

Carmouche has criticized McHugh for building a fence in front of the Delta Women's Clinic, which performs abortions and has been the target of Operation Rescue's protests. McHugh relied on bad advice and favored pro-

choice forces in handling the protests, Carmouche said.

McHugh has publicly stated that he is pro-life. He said he took a neutral stand when the national pro-life organization demonstrated in Baton Rouge this summer.



1211.002  
37

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

October 1, 1992

IN REPLY REFER TO:

1800C3-B

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Louisiana TV Broadcasting Corp.  
Licensee of Station WBRZ-TV  
1650 Highland Rd.  
Baton Rouge, LA 70802

Dear Licensee:

This is in reference to the complaint against Station WBRZ-TV, Baton Rouge, LA, received in this office on September 30, 1992, and filed by Reverend Kim Carmouche, a candidate for Mayor/President of the Parish of East Baton Rouge, in the October 3, 1992, election. A copy of the complaint was apparently sent to you on September 29, and we furnished a copy to your counsel on October 1, 1992.

Reverend Carmouche alleges that WBRZ-TV refused to provide him with equal opportunities in response to the time the station had previously sold to his election opponent, Tom Ed McHugh, the incumbent Mayor/President. Reverend Carmouche asserts that the station's stated reason for refusing his equal opportunities request is the content of four of the six advertisements he presented to the station. According to the complainant, WBRZ-TV refused to broadcast the advertisements after accepting payment and agreeing to broadcast the material during the period of September 24-October 2, 1992.

Because of the proximity of the election, we contacted your counsel on September 30 to notify him of the receipt of the complaint and to describe its essential allegations. We also explained the pertinent political programming law. Counsel acknowledged that the station had refused to air certain of the complainant's advertisements which depict allegedly aborted fetuses, and stated that it would respectfully continue to refuse to broadcast such material because, in the licensee's view, the material is obscene.

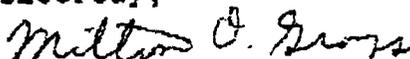
Section 315(a) of the Communications Act, as amended, (47 U.S.C Section 315(a)), states in part:

If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section.

We have made no final determination regarding the allegations contained in the complaint. In order for the Commission to resolve this complaint, you are directed to fully explain the pertinent circumstances regarding Reverend Carnouches's allegations, including the basis for your apparent refusal to broadcast certain of his announcements. In addition, if the facts as alleged by the complainant are true, explain your actions in light of both the equal opportunities and no-censorship provisions of Section 315(a), quoted above.

You may provide any additional information which you believe will assist in resolving the complaint. You should file your response within 24 hours of the receipt of a facsimile of this letter, pursuant to Section 73.1015 of the Commission's Rules. A copy of your response should be sent to the complainant. The complainant will then have 24 hours to submit further comments, if any. Commission policy requires that responses to its inquiries be signed by the licensee or by an officer or director of the licensee.

Sincerely,



Milton O. Gross, Chief  
Political Programming Branch  
Enforcement Division  
Mass Media Bureau

cc: Robert Jacobi, Esq.  
C. John Caskey, Esq.





Richard Manship  
President

WBRZ Telecommunications Center  
Post Office Box 2906 Baton Rouge, Louisiana 70821-2906  
(504) 387-2222 FAX (504) 336-2246

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October 2, 1992

Mr. Milton O. Gross  
Chief, Political Advertising Branch  
Federal Communications Commission  
Mass Media Bureau  
2025 M Street, N.W., Room 8202  
Washington, D.C. 20554

Dear Mr. Gross:

This is in response to your letter dated October 1, 1992 (Reference Number 1800C3-R) regarding the complaint against Station WBRZ-TV filed with the Commission by Reverend Kim Carmouche, a candidate for Mayor/President of the Parish of East Baton Rouge, Louisiana, in the election to be held on October 3, 1992.

It is true that Station WBRZ-TV refused to broadcast four of six advertisements which Reverend Carmouche presented to it for broadcast. I made the decision not to broadcast four of Reverend Carmouche's advertisements because they depicted, in the most disgusting, graphic and indecent manner, aborted and dismembered human fetuses. I reached this decision after viewing the six announcements presented to the station, and making notes about each one of them. I based my decision upon my firm belief that broadcasting them would (1) place the licensee in violation of the prohibition against the broadcast of indecent programming contained in 18 U.S.C. § 1464; and (2) would be contrary to the licensee's obligation to operate station WBRZ-TV in the public interest because it could cause serious emotional distress to many persons in WBRZ-TV's audience, including children and other vulnerable persons.

In this connection, I wish to emphasize the following points:

1. I am 45 years old, and have lived almost all of my life in Baton Rouge, Louisiana, where I have been actively involved in local community activities. Except for the period from 1975-77, I have been working in various capacities at WBRZ-TV since 1971, and I have been the General Manager of Station WBRZ-TV since 1982 and President since 1991. WBRZ-TV was built and put on the air by my family in 1955. It continues to be owned, operated and controlled

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AN ABC AFFILIATE

by my family. I hold approximately 9% of the stock of the licensee. Based on my longtime residence in Baton Rouge, I believe that the four advertisements rejected by WBRZ-TV describe excretory activities (i.e., the excretion of fetal material) in a manner which would be patently offensive as measured by contemporary Baton Rouge community standards for the broadcast medium. Accordingly, it is my belief that the rejected advertisements fall within the definition of "indecent" programming that the Federal criminal code prohibits airing on a broadcast station.

2. WBRZ-TV objects only to broadcasting certain of Reverend Carmouche's advertisements, those which depict indecently the fetal detritus of abortion. As stated previously, the station agreed to carry two of the advertisements presented to it by Reverend Carmouche and has carried and is carrying other local and national pro-life paid advertisements. WBRZ-TV has rejected only those Carmouche announcements which I believe are legally "indecent" and are so graphic as to be contrary to the public interest no matter when they may be aired and whether or not accompanied by a warning or viewer advisory. Subsequent to my decision not to air four of Reverend Carmouche's ads, Station WBRZ-TV's news department interviewed Reverend Carmouche on the subject of his request and the station's refusal to carry certain of his advertisements. These interviews have been aired during newscasts broadcast on the station. We have not tried to keep from our listening audience the views of Reverend Carmouche regarding his supposed candidacy or his views on abortion.

I do not believe the station is legally required to carry political ads under Section 315 of the Communications Act which may result in the violation of a Federal criminal statute (18 U.S.C. §1464). I am also advised that the Commission's Mass Media Bureau has recently held that it is the responsibility of the broadcaster "to exercise his/her independent editorial judgement in determining whether \*\*\*particular material meets [the legal] definition" of obscenity (Letter to David Wm. T. Carroll, Esq.), dated June 12, 1992 (Ref. No. 8210-AJZ; 92050480). The same principle applies in the case of indecent programming. Based on the foregoing

Milton O. Gross  
October 2, 1992  
Page 3

authority, I believe the Commission's sole function in reviewing a broadcaster's judgment not to carry a political ad which it deems to be indecent is to determine whether the licensee's judgment was exercised in good faith. For the Commission to determine for itself whether an advertisement is consistent with community standards for the broadcast medium exceeds the Commission's authority and expertise.

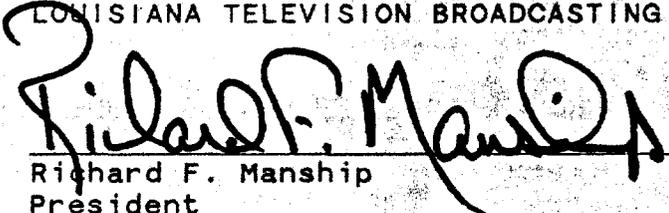
Separate and apart from the foregoing, I believe that Reverend Carmouche is not entitled to "equal opportunities" rights under Section 315(a) of the Communications Act. Although Reverend Carmouche may be a "legally qualified" candidate for the office of Mayor/President of the Parish of East Baton Rouge, he is not a "bona fide" candidate for that office. Rather he is "running" for public office, not in the sincere desire to serve in the community in the capacity of Mayor/President, but seeks only to manipulate the political broadcasting rules in order to gain broadcast exposure for his anti-abortion campaign.

Reverend Carmouche has readily acknowledged in an interview with WBRZ-TV that the reason he is running for public office is to use that status to gain the legal right to air his graphic, and, in our view, indecent television ads. Our counsel is submitting separately videotapes of interviews conducted by the station with him in which he has conceded, in effect, that his candidacy is a sham designed only to use access rights under Section 315(a) of the Communications Act to advance his views on abortion, not to advance a bona fide political candidacy.

The non-bona fide nature of Reverend Carmouche's campaign is further demonstrated, I believe, by his failure to maintain a campaign office, and his failure to have campaign posters, buttons, bumper stickers or like accouterments of a political campaign. He has not, to the best of our knowledge, attended any candidate forums sponsored by the League of Women Voters or the NAACP with the other two candidates. Nor are we aware of any campaign platform (other than his anti-abortion views) or any literature for his campaign. He does not maintain a local campaign telephone number other than the one for the local office of "Operation Rescue," the local anti-abortion group.

Sincerely,

LOUISIANA TELEVISION BROADCASTING CORP.

  
Richard F. Manship  
President

RFM/jb



C. J O H N C A S K E Y  
a professional law corporation

1711-002

Blue  
Right

October 5, 1992

Mr. Milton Gross  
Chief, Political Program Branch  
Federal Communications Commission  
1919 M Street, N.W. -- Room 8202  
Washington, D.C. 20554

RE: Administrative Complaint pursuant to  
47 U.S.C. Section 315 against WBRZ-TV,  
Louisiana Television Broadcasting,  
Post Office Box 2906, Baton Rouge, LA  
70821

Dear Mr. Gross:

I regret that with the intervention of the actual election day itself in this case, which was October 3, 1992, my client was not able to respond quicker to Mr. Jacobi's letter to the FCC dated October 2. However, I now have had the opportunity to review Mr. Jacobi's letter and attachments in detail with my client, the election is over, and we are in a position to respond to WBRZ Channel 2's submission by Mr. Manship.

At the outset, the FCC should be aware of the fact that Reverend Carmouche polled 9% of the vote in the race for Mayor-President this last Saturday. Mr. Vincent Bruno, a pro-life candidate for the United States Congress in the Greater New Orleans Area polled less than half of the percentage vote than did Reverend Carmouche. Moreover, the voter turn-out in Baton Rouge was low at an estimated 35% of registered voters. In context, Reverend Carmouche's campaign is being viewed by local commentators<sup>1</sup> as a formidable introduction of Reverend Carmouche into the political arena. Obviously, Mr. Richard Manship's allegation that Reverend Carmouche was seeking "only to manipulate the political broadcasting rules" and was "not a 'bona fide' candidate" for office was patently false, if not a bit malicious.

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<sup>1</sup>Ironically, WBRZ-TV's own election night coverage included comments by one of its reporters that The Reverend Carmouche had made a strong showing and would possibly be a significant factor in future elections.

Page -2-

Mr. Milton O. Gross  
October 5, 1992

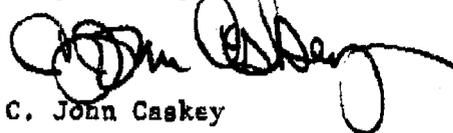
Attached for benefit of further consideration of this matter are two editorials concerning The Reverend Carmouche's campaign which ran recently in The Advocate. You will note from one of the editorials that the newspaper candidly admits that it is "owned by the Manship family, which also owns WBRZ." Exhibit "A". Exhibit "B" demonstrates that the newspaper, just as did its sister television station, actively opposed Reverend Carmouche politically in the campaign.

WBRZ-TV/The Advocate appear to be anachronistic hold-overs from the days in the Deep South where "family" aristocracies actually did disproportionately control local politics and opinions. Exhibit "A" is a frank elucidation of the issues as seen by the Manship "family" in this case: the censorship of Reverend Carmouche is described by the Manship family itself as its right "to reject any ad it feels is offensive or in poor taste." The editorial challenges the FCC's "political ad rule," as opposed to claiming any legal justification for WBRZ-TV's content-based censorship of Reverend Carmouche's ads.

In sum, the Manship family and WBRZ-TV agree that the print and electronic media should not be "censored" by the United States Government or any other entity, but at the same time claim the exclusive right to censor Reverend Carmouche's bona fide political ads on the basis that the ads were considered "offensive or in poor taste" by the "family." Regrettably, the situation still exists in the City of Baton Rouge and elsewhere where the only realistic protection in the political process the citizens have is recourse to Federal Statutes such as 47 U.S.C. Section 315.

Reverend Carmouche again commends the Federal Communications Commission to do its duty. The FCC should not "change its political ad rule" in deference to the wishes of the Manship family, out of all the television and cable stations in the Greater Baton Rouge Area. The FCC should enforce the laws of Congress consistent with their purpose. WBRZ-TV should be cited by the FCC with a full review of appropriate sanctions for its arbitrary and capricious refusal to air Reverend Carmouche's political ads prior to the October 3, 1992 election in Baton Rouge, Louisiana.

Respectfully Submitted:



C. John Caskey

CJC:lmw

ATTACHMENTS

copy w/attachments: Mr. Robert B. Jacobi

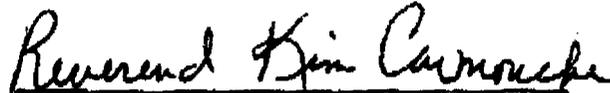
VERIFICATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared THE REVEREND KIM CARMOUCHE, who being duly sworn by me did depose and say:

THAT he has read the foregoing response to the Federal Communications Commission against WBRZ-TV, and that every allegation contained therein is true and correct to the best of his own knowledge, information and belief.

  
REVEREND KIM CARMOUCHE

SWORN TO AND SUBSCRIBED before me this 5th day of October,  
1992 in Baton Rouge, Louisiana.

  
NOTARY PUBLIC

## OUR VIEWS

# FCC should change its political ad rule

**B**y refusing to run graphic political ads depicting abortions, television station WBRZ has highlighted the difference in the First Amendment freedom enjoyed by the print media compared with our electronic counterparts.

The controversy underscores the power government has over the electronic media.

Before we go any further, it should be noted that this newspaper is owned by the Manship family, which also owns WBRZ. But we would take the same position if any other station were involved.

Mayoral candidate Kim Carmouche asked WBRZ to run a series of political ads dealing with abortion and incidentally promoting Carmouche's candidacy. After previewing the ads, WBRZ-TV President Richard Manship refused to accept the four ads Carmouche wanted to run. Manship would have run two other anti-abortion Carmouche ads, but Carmouche was not interested in running them.

Manship's decision not to accept the four ads was not made on a pro- or anti-abortion basis, but on a basis of taste. Carmouche is appealing to the Federal Communications Commission.

The ads have run on WAFB, WBTR, and some cable channels.

When people talk about freedom of the press, they often don't realize that the print media are freer than the electronic media. The inequality between print and electronic media was instituted by politicians because of technical limitations concerning the relatively few channels or frequencies available for commercial broadcasting "over the air." Since the public was deemed to "own" the airwaves, the politicians, not unreasonably, decided to require broadcasters to operate "in the public interest."

Unfortunately, politicians often confuse "public interest" with self interest.

The FCC, prodded by Congress, has decided that in political races, the public interest is best served by forcing the electronic media — mainly television — to accept paid ads for a candidate for federal office. The only exception is for ads that contain obscene material or other matter which would violate the federal criminal code.

For non-federal elections, such as a mayor's race, the same rules apply. However, in these races, a station can decide not to accept ads from any of the candidates in a given race. If it accepts ads from one candidate, however, it must accept them from all candidates in that race.

The FCC has ruled that anti-abortion ads like those sponsored by Carmouche are not obscene. They are graphic, and their depiction of dead fetuses and body parts is what caused Manship to reject them.

But unless the FCC finds Carmouche's ads to be obscene, its regulations are clear; WBRZ does not have the right to refuse to run Carmouche's ads.

The FCC regulations should be changed.

No such rules apply to the print media. Any newspaper or magazine is free to reject any political ad for any reason whatsoever, or for no reason at all.

This newspaper has certain guidelines we apply to political ads. No libelous statements are accepted, and any charges made against an opponent must be substantiated to our satisfaction. No new controversial issues can be raised at the end of a campaign unless there is enough time for the opponent to reply. The newspaper also retains the right to reject any ad it feels is offensive or in poor taste.

Ironically, there are far more television channels than daily newspapers in this market.

Cable television has expanded the number of channels to the point of saturation. But the rules which limit the freedom of television continue to stay in effect, at least partially because they are advantageous to the politicians, who control the FCC.

Were Carmouche not a candidate for office, local television stations would have much greater freedom to accept or reject his ads. But Carmouche knows none of the stations have any choice, since they have run other political ads for the mayor's race.

We do not suggest for a minute that ads like those Carmouche is sponsoring should be banned. But each station should be free to accept or reject the ads, as it sees fit. And each station should be free to accept or reject the ads, which will come, showing mutilated women, victims of the "back-alley" and "coat hanger" abortions which those who support legalized abortion say will return if abortion is outlawed.

This is not an easy issue. Because it has been framed in terms of abortion, the political pressures are great. But the issue goes beyond abortion. How about an anti-death penalty candidate's ad which shows an actual execution? Or a pro-gun control ad showing a schoolyard slaughter?

# Mayoral candidate could face dilemma

**A** District Court judge has ordered Kim Carmouche, leader of Operation Rescue Louisiana, not to trespass on the property of Delta Women's Clinic or block or impede access to the clinic; Carmouche says if God tells him to go on clinic property, he'll do it.

The Operation Rescue Louisiana leader also wears another hat these days. He's a candidate for mayor-president.

In the unlikely event that he were to be elected mayor-president, Carmouche could find himself on the horns of an ethical dilemma to which he should give some serious thought.

The mayor-president is the police chief's boss and part of the mayor-president's job is to see that the laws of man are obeyed.

What would happen if Carmouche, as Operation Rescue Louisiana leader, were to decide to disobey the laws of man regarding abortion? Carmouche, as mayor-president, would then be faced with a difficult conflict.

If Operation Rescue Louisiana leader Carmouche were to follow his conscience and follow his personal interpretation of God's law, then Mayor-President Carmouche might violate his responsibility as head of city-parish government and boss of the police chief.

A mayor-president, like his police chief, must be willing to put personal beliefs aside and enforce the law.

If he has not already done so, Carmouche ought to give some thought now to whether he is willing and able to carry out the duties of mayor-president.

If he isn't, he shouldn't ask people to vote for him.

## The Advocate

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CERTIFICATE OF SERVICE

I, Gail Darr, hereby certify that I have this 22nd day of January, 1993, sent by U.S. Postal Service, postage prepaid, or caused to be hand delivered, copies of the foregoing "COMMENTS OF LOUISIANA TELEVISION BROADCASTING CORP." to the following:

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Federal Communications Commission  
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Federal Communications Commission  
1919 M Street, N.W.  
Room 826  
Washington, D.C. 20554

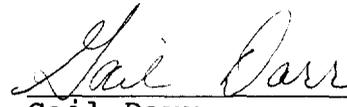
\*Commissioner Andrew C. Barrett  
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Gail Darr

\* By Hand