

TV? If Scripps Howard or its attorneys knew the documents existed before Scripps Howard's October 26, 1993 pleading was filed, then Scripps Howard misrepresented facts in that pleading. Conspicuously, Scripps Howard has yet to deny that it knew the NBC correspondence was in WMAR-TV's files before Scripps Howard filed its October 26, 1993 pleading. All that Scripps Howard can muster is the claim that "Scripps Howard's discovery of the documents must have occurred on the very eve of the pre-hearing conference. Motion at 13 (emphasis added).

30. The materials in Scripps Howard's First Supplement provide no enlightenment on this score. Ms. Barr's declaration states only that Mr. Howard telephoned her in "October, 1993" and asked her to review her files again for the NBC correspondence;^{8/} that she "immediately" looked for the documents; and that she "[i]mmediately" sent a copy of the NBC materials to Mr. Howard. "Immediately" could be interpreted to encompass any amount of time; the precise dates and times of Mr. Howard's call and Ms. Barr's discovery of the documents are

8/ This representation, as well as others in Ms. Barr's declaration, raises numerous additional questions that require Mr. Howard's testimony. Why did Mr. Howard contact Ms. Barr in "October, 1993" to request that she review her files again for the NBC correspondence? Did Mr. Howard know or suspect that the documents were indeed in WMAR-TV's files? Moreover, when in "October, 1993" did Mr. Howard contact Ms. Barr? If it was in the early part of October, then Mr. Howard apparently knew or suspected the documents were there a number of weeks before they were produced. Ms. Barr also states in her declaration that she first telecopied to Mr. Howard the facsimile she had sent to NBC, and that "[s]hortly thereafter, at his request," she also sent Mr. Howard a copy of NBC's return fax to Ms. Barr. Given that Mr. Howard requested that Ms. Barr send NBC's response, did he know the elements of the NBC correspondence?

omitted from Ms. Barr's Declaration. Without any evidence of when Scripps Howard or its attorneys first knew of the existence of the NBC correspondence (as opposed to when Ms. Barr transmitted the correspondence to counsel), summary decision plainly cannot be granted.

31. The remainder of Scripps Howard's contentions regarding the NBC documents are uniformly without merit. For example, Scripps Howard is flatly wrong in asserting that "[a]s a matter of law, the production of documents, whether at a hearing or earlier, cannot logically be used at all as evidence of a lack of candor." Motion at 11 (emphasis in original). One need look no further than the Garden State case for a refutation of that premise. There, the applicant was found to have lacked candor despite its eventual production of critical documents.

32. Scripps Howard also defends its statement in its October 26, 1993 pleading that "a search for the [NBC correspondence] is likely to take some time and cause delay" by suggesting that the pleading addressed a search for the correspondence by NBC, not by Scripps Howard. But the statement at issue nowhere so states. Moreover, if Scripps Howard knew of the existence of the correspondence at WMAR-TV (and Scripps Howard has presented no evidence to show otherwise), Scripps Howard was highly lacking in candor by failing to disclose this fact and by suggesting that delay would result from a search.

33. Finally, Scripps Howard again raises its tiresome claim that it had not been asked to search its files or to contact NBC for the correspondence. As Four Jacks pointed out in its reply

to Scripps Howard's opposition to the petition to enlarge issues, it was not incumbent on Four Jacks to ask Scripps Howard to do research verifying Scripps Howard's representations to the Commission. Given the extensive deposition questioning of Ms. Barr on the subject and Four Jacks' efforts to obtain the documents via subpoena, Scripps Howard should have known to verify whether the NBC correspondence existed months before it produced the documents. That Scripps Howard obstinately claims that it was not "asked" to look for the documents only suggests that it knew the NBC correspondence existed all along. There are simply too many unanswered questions on this score to warrant granting summary decision.

B. The Covington Notes

34. Likewise, there are far too many unresolved questions of fact with respect to the Covington notes for summary decision to be granted. Perhaps most fundamentally, there still is absolutely no record testimony by Ms. Covington herself.^{9/} The authenticity of Ms. Covington's writings,^{10/} the chain of

^{9/} Following the issuance of the MO&O adding issues against Scripps Howard, and prior to the February 15, 1994 prehearing conference, Scripps Howard's counsel had assured Four Jacks' counsel on at least two occasions that it would provide Four Jacks with Ms. Covington's address so that Ms. Covington could be noticed for deposition under the added issues. After the February 15, 1994 prehearing conference, however, Scripps Howard's counsel refused to provide Four Jacks with Ms. Covington's address.

^{10/} The recently produced 1992 Covington notes raise further questions. At hearing, Ms. Barr testified that Ms. Covington's handwriting was very difficult to read. Tr. 582-83, 589. From a review of the documents Scripps Howard
(continued...)

custody of those writings, and, therefore, the veracity of Scripps Howard's representations about the Covington materials cannot be ascertained until Ms. Covington is cross-examined. Ms. Covington also must be questioned as to why her 1991 calendar was not turned over, particularly because her handwriting -- contrary to Ms. Barr's testimony -- appears quite legible. Absent any testimony from Ms. Covington, summary decision cannot be granted. Moreover, as set forth below, numerous other substantial and material questions of fact also remain concerning the Covington notes.

1. Scripps Howard's July 13, 1993 Letter and Ms. Barr's Direct Case Testimony

35. The Judge's addition of issues with respect to the Covington notes stemmed primarily from two filings made by Scripps Howard during the course of this proceeding. The first was a July 13, 1993 letter from Scripps Howard's counsel to the parties and the Judge, stating that

[Janet Covington] at one time possessed personal notes that recorded various ascertainment meetings in which she participated during the relevant period. These notes were not retained in any files at WMAR-TV. Scripps Howard recently contacted Ms. Covington to ascertain whether she possessed any of these notes and determined that she did not.

10/(...continued)

has provided that purport to be Ms. Covington's 1992 notes, the handwriting is quite readable. Either Ms. Barr lied at hearing, or the documents provided by Scripps Howard were not in fact prepared by Ms. Covington.

Undisclosed in this letter were the facts, as later developed in Ms. Barr's cross-examination: (i) that there were two sets of Covington writings -- Ms. Covington's as-yet-unproduced 1991 calendar, and handwritten notes prepared by Ms. Covington in 1992; (ii) that the documents on which Scripps Howard actually relied in preparing its ascertainment exhibit -- the "notes" -- were prepared in 1992; (iii) that Ms. Covington's 1992 notes played a crucial role in the preparation of the portion of Scripps Howard's direct case dealing with WMAR-TV's ascertainment; and (iv) that the 1992 notes had not been taken by Covington when she left WMAR-TV in 1991, but had been retained by Ms. Barr, as it now appears, all along.

36. Moreover, Ms. Barr's direct case testimony -- which for the first time revealed that the Covington notes were used in preparing Scripps Howard's ascertainment exhibit -- once again stated that Ms. Covington had kept the notes in her possession when she left the station in 1991. This testimony was demonstrably false, as Ms. Barr testified on cross-examination that she (Ms. Barr) retained the notes for some time in 1992 -- and, in addition, the Covington notes have now miraculously been found by Scripps Howard.

37. Scripps Howard's Motion, its February 17, 1994 "Second Supplement to Motion for Summary Decision" ("Second Supplement"), and the documentary material exchanged by Scripps Howard on February 15, 1994, ignore the misleading statements in the July 13, 1993 letter and Ms. Barr's direct case testimony. Ms. Barr's declaration which is contained in the Second Supplement fails

even to address Ms. Barr's sworn direct case statement that the Covington "notes" were taken by Ms. Covington when she left the station in 1991.

38. As to the July 13, 1993 letter, all that Scripps Howard provides is a declaration from Mr. David Roberts, a former associate in Scripps Howard's law firm who worked on this case. Mr. Roberts states that "[i]t was my belief when I prepared that letter that the 1991 Janet Covington materials were in the form of separate notes memorializing ascertainment contacts rather than a calendar." That statement, however, is called into question by Ms. Barr's June 25, 1993 memorandum to Mr. Roberts (Ex. 1 to Attachment to Scripps Howard's Second Supplement), in which Ms. Barr specifically states to Mr. Roberts that "Janet Covington's original notes to me were prepared specifically for this license challenge issue but she did not save her actual calendar." (Emphasis added). Moreover, even taking Mr. Roberts at his word, it is clear that he did not work in isolation on this case. It is highly improbable that Scripps Howard left a case of this magnitude to be handled by a relatively new, unsupervised associate. Scripps Howard presents nothing from Mr. Howard -- who supervised the case and signed the July 13, 1993 letter, or from Mr. Greenebaum, Scripps Howard's other lead counsel, as to their roles in the preparation of the July 13, 1993 letter. Again, there are too many unresolved questions concerning the July 13, 1993 letter and Ms. Barr's direct case testimony to warrant summary decision.

39. In addition, it is noteworthy that Scripps Howard now sneaks away from its key premise for opposing the addition of issues based on the Covington notes: that the 1992 Covington notes and Ms. Covington's (unseen) 1991 calendar constituted two separate sets of "notes," and therefore that no misrepresentation occurred when Scripps Howard's July 13, 1993 letter and Ms. Barr's direct case testimony both stated that Ms. Covington's "notes" were taken with her when she left the station in 1991 and were not retained in any files at WMAR-TV. Scripps Howard now admits that the term "notes" "may not seem as appropriate in hindsight as 'calendar' or 'diary,' when compared with Ms. Barr's testimony on cross-examination." Motion at 14. This is an additional ground for hearings on the added character issues. Scripps Howard's contention in this regard was a major aspect of its defense to issue addition, and its attempt to cast Ms. Covington's purported calendar notations as an additional set of "notes" was obviously quite intentional. Scripps Howard simply cannot be allowed to watch its concocted theory be destroyed by the record evidence, and then lightly state "Oops." This fallacious argument was just another part of Scripps Howard's cover-up on the Covington notes, and the circumstances surrounding Scripps Howard's opposition pleading demand exploration at hearing.

40. Scripps Howard goes on to assert that, nonetheless, "Scripps Howard's July 13, 1993 letter unquestionably conveyed to Four Jacks that there had been contemporaneous writings that were within the scope of its request which no longer existed, and the

letter gave notice that such writings were relevant to the proceeding." Motion at 14.^{11/} This argument misses the point. Given the critical relevance of Ms. Covington's documentation to the reliability of Scripps Howard's ascertainment exhibit, Scripps Howard was bound to do much more than vaguely indicate the existence of "contemporaneous writings." Scripps Howard's July 13, 1993 letter and Ms. Barr's direct case testimony failed to disclose (i) that there were two sets of Covington writings; (ii) that the notes on which Scripps Howard relied in preparing its ascertainment exhibit were prepared in 1992; and (iii) that the 1992 notes had not been taken by Covington when she left WMAR-TV in 1991, but had been retained by Ms. Barr. Scripps Howard has not even begun to answer the many questions surrounding these misleading representations.

41. Scripps Howard's Motion offers several other legal defenses on the Covington notes, each of which is groundless. First of all, it is absurd for Scripps Howard to claim that Four Jacks could have and should have issued interrogatories about the source materials for Scripps Howard's ascertainment exhibits a month before the hearing. Does Scripps Howard seriously suggest that Four Jacks was obligated to pursue a separate course of pleadings and discovery just weeks before the hearing was to take place? Four Jacks thinks not -- such action surely would have

^{11/} As noted above, by this statement Scripps Howard concedes both the relevance of the Covington writings and the fact that those documents were within the scope of Four Jacks' production request. Yet in the very next paragraph (p. 14, ¶ 21), it turns around and denies that the 1992 notes were within the scope of the request. Scripps Howard simply cannot get its legal theories straight.

been opposed by Scripps Howard and denied by the Judge. Moreover, Scripps Howard's citation to Tr. 417 is misleading. There, the Presiding Judge suggested that Four Jacks specify to Scripps Howard any missing documents that it wanted Scripps Howard to look for again. It was not an "invitation" to pursue interrogatories about the Covington notes a month before the hearing.

42. Little more need be said about Scripps Howard's contention, at pp. 16-17 of its Motion, that Scripps Howard had "no conceivable motive to dissemble with respect to the 1992 [Covington] notes." The Covington notes are not merely "cumulative support to a broader series of similar evidence," as Scripps Howard claims. Motion at 16. Instead, the Covington notes are source material for the heart of Scripps Howard's renewal expectancy case -- its showing of purported ascertainment efforts during the May 30-September 3, 1991 Renewal Period. The fact that this source material was created a year after the Renewal Period has a serious adverse impact on the reliability of Scripps Howard's ascertainment showing. Scripps Howard has no contemporaneous evidence to support its renewal expectancy showing. That showing was constructed in its entirety, after the fact, in 1992. Scripps Howard had a clear motive to conceal the fact that the Covington notes -- a crucial aspect of Scripps Howard's 1992 construction effort -- were anything but contemporaneous. Its claims to the contrary must be rejected.

2. The Recent "Discovery" of the Covington Notes

43. Finally, and in addition to the numerous unanswered questions regarding the misrepresentations and lack of candor in Scripps Howard's July 13, 1993 letter, the misrepresentations in Ms. Barr's direct case testimony, and Scripps Howard's advancement of a fraudulent argument in its opposition to Four Jacks' petition to enlarge issues, there remain unresolved the circumstances surrounding Scripps Howard's recent "discovery" of the 1992 Covington notes. Once again, the materials proffered by Scripps Howard leave too many factual questions on this issue unresolved.

44. According to Ms. Barr's declaration, she met on February 9, 1994 with Ms. Stephanie Abrutyn, an attorney with Scripps Howard's law firm. During that meeting Ms. Barr opened a file of memoranda she or Mr. Kleiner had written to Scripps Howard's law firm (the "MEMOS TO B & H file"), in order to look for a memorandum she wrote to David Roberts (then an attorney with Scripps Howard's law firm) on June 25, 1993. That memorandum apparently transmitted to Mr. Roberts a number of documents related to this proceeding that Mr. Roberts had requested, including "Personal Calendars." Ms. Barr asserts that she had never looked in the MEMOS TO B & H file in previous searches of her records, because any attachments to the memoranda in that file would have been placed in different files. Lo and behold, Ms. Barr states that upon looking in the MEMOS TO B & H file on February 9, 1994, she came upon a photocopy of the 1992

Covington notes, along with a cover "post-it" note that Ms. Barr had written.

45. Ms. Barr does not recall making a copy of the 1992 Covington notes. She does not know how the copy ended up in the MEMOS TO B & H FILE. She does not recall how the copy could have been made. She "assumes" that she "must have" asked her secretary to copy the notes, and she "assumes" that her secretary misfiled the copy of the notes in the MEMOS TO B & H file.

46. What transpired at this point is not entirely clear from the declarations, although it appears that Ms. Barr's "discovery" of the Covington notes somehow led to the subsequent "discovery" of Ms. Covington's original 1992 notes at Scripps Howard's law firm. Scripps Howard has provided a declaration by Mr. Roberts, who states that during the course of preparation for document production, he placed a number of original documents that he deemed nonresponsive to Four Jacks' document production request into a separate box. Mr. Roberts "do[es] not recall" telling Mr. Howard about that box, nor does he recall ever examining the box's contents again. According to Mr. Roberts, he was informed by Mr. Howard on February 10, 1994, via a telephone call, that the original Covington notes -- as well as Ms. Barr's June 25, 1993 memorandum to Mr. Roberts -- had been found in this "original non-produced documents" box. Nonetheless, Mr. Roberts cannot recall ever receiving the 1992 Covington notes from WMAR-TV, cannot recall reviewing them, and cannot recall placing them in the box. It "appears most likely" to Mr. Roberts that he determined the Covington notes not to be responsive to Four

Jacks' production request, although he recalls neither making that decision nor the documents themselves.

47. The materials Scripps Howard has proffered do not even begin to answer the many questions surrounding the "discovery" of the Covington notes. First, although the fact is carefully unstated, it is apparent that the 1992 Covington notes were sent as part of the same package of documents that accompanied Ms. Barr's June 25, 1993 memorandum to Mr. Roberts. The Covington notes were specifically referred to in that memorandum. Moreover, (i) Ms. Barr's copy of the Covington notes was found while in the course of looking for the June 25, 1993 memo; and (ii) the original Covington notes and Ms. Barr's June 25, 1993 memorandum were discovered at Scripps Howard's law firm apparently at the same time, and concededly in the same box. Moreover, both Ms. Barr's memorandum and her covering "post-it" note specifically refer to "Janet Covington's original notes," and state that Ms. Covington "did not save her actual calendar." Given that other "personal calendars" were obviously sent by Ms. Barr along with that memorandum (as established by the language of the memorandum), these references were likely intended to make clear to Mr. Roberts that Ms. Covington's notes were being sent in lieu of her "actual calendar."

48. All of these facts lead ineluctably to the conclusion that Ms. Barr sent the Covington notes to Scripps Howard's law firm on June 25, 1993, as part of a specific package which also included the other calendars used in preparing Scripps Howard's ascertainment exhibit. This apparent fact has profound

ramifications for Scripps Howard's candor and truthfulness. If, as appears to be the case, Ms. Barr sent the Covington notes to Scripps Howard's counsel at counsel's request on June 25, 1993 -- three days before Scripps Howard's initial document production and less than three weeks before Scripps Howard's July 13, 1993 letter -- then (i) Ms. Barr's inability to recall sending the notes, and Mr. Roberts' inability to recall receiving them, appear very implausible; (ii) Scripps Howard knowingly misled Four Jacks in its July 13 letter, having been informed by Ms. Barr just 18 days earlier that the Covington notes "were prepared specifically for this license challenge issue"; and (iii) Ms. Barr knowingly lied at hearing when she testified that she had thrown the notes away in 1992. Too many questions remain concerning these circumstances for summary decision to be granted.

49. There are other unanswered questions concerning the "discovery" of the Covington notes. For example, what was the purpose of Ms. Barr's "meeting" with Ms. Abrutyn on February 9, 1994? Was that meeting held to discuss a "laundered" explanation of the notes' "discovery" in light of the fact that issues had just been added? Is it plausible that, given the extensive focus on missing documents at Ms. Barr's deposition, the October admissions session, and the November hearing, Ms. Barr would not open her file of memoranda to Scripps Howard's law firm until February 1994? Such a file would appear to be one of the most likely places to find documents in connection with this hearing.

50. As to the role of Scripps Howard's counsel in the "discovery" of the Covington notes, Scripps Howard is clever indeed in resting its case on the declaration of an associate attorney who is (i) no longer with the law firm; and (ii) states that he recalls nothing about receiving the Covington notes or doing anything with them. Again, it is simply impossible to believe that Scripps Howard's law firm trusted the handling of this case to an unsupervised associate. For example, Mr. Roberts' request to Ms. Barr for the documents that Ms. Barr sent on June 25, 1993 quite likely came on the orders of Mr. Howard and/or Mr. Greenebaum. It is also unlikely that Mr. Howard was not told of the existence of the box containing original non-produced documents. Moreover, something was obviously done with the Covington notes after Ms. Barr sent them. If Mr. Roberts does not remember, there are obviously personnel at Scripps Howard's law firm who do. Scripps Howard has not demonstrated with any probative evidence that an unsupervised associate was the only person involved with Scripps Howard's documents. In addition to Ms. Barr's testimony, the facts demand an exploration of what Scripps Howard's senior attorneys, Mr. Howard and Mr. Greenebaum, knew about the Covington notes, and when and how they came to be in their firm's possession. Once again, therefore, the unanswered questions are too numerous to warrant a grant of summary decision.

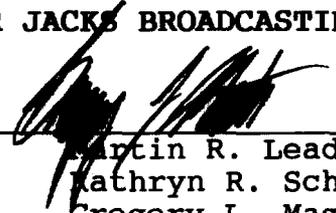
Conclusion

For summary decision to be granted, there must be no substantial and material question of fact in dispute. Aside from its irrelevant and baseless arguments concerning the scope of Four Jacks' document production request, however, Scripps Howard's Motion and its supplementary filings leave not one, not two, but innumerable substantial and material questions of fact unresolved. Accordingly, Scripps Howard has not even remotely met the standard for a grant of summary decision on the issues against it, and its Motion must therefore be denied.

Respectfully submitted,

FOUR JACKS BROADCASTING, INC.

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By:  _____
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Dated: February 28, 1994

EXHIBIT A

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&
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June 28, 1993

BY HAND

Martin R. Leader, Esquire
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Re: Scripps Howard Broadcasting Company
MM Docket 93-94
Production of Documents

Dear Martin:

Transmitted herewith, on behalf of Scripps Howard Broadcasting Company, licensee of WMAR-TV, Baltimore, Maryland and an applicant for renewal in the above referenced proceeding, is its response to the Motion for Production of Documents by Scripps Howard Broadcasting Company, filed by Four Jacks Broadcasting, Inc. on June 11, 1993 ("Motion"). This response is transmitted pursuant to the Orders of the Presiding Administrative Law Judge, FCC 93M-337, released June 7, 1993; FCC 93M-400, released June 24, 1993, and FCC 93M-402, released June 24, 1993.

The responsive documents have been grouped according to the categories in the Motion. If a document is responsive to more than one category, it has only been placed under a single category.

Due to the number of individuals involved in putting numbers on the pages of the produced copies, there are some gaps in the pagination. The pages used are as follows:

Box 1: SH000001 to SH000023 and SH000031 to SH001839 including pages SH000714A and SH000863A.

Box 2: SH002001 to SH004430, including pages SH002113A and SH002583A. Please note that page number SH003802 was inadvertently skipped. There is no document corresponding to page SH003802.

Box 3: SH004561 to SH006909.

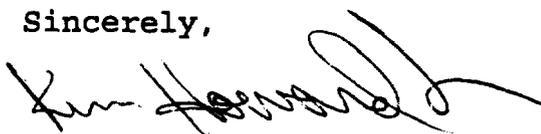
Box 4: SH007001 to SH007124, SH007132 to SH007999, SH008201 to SH008877, SH009641 to SH0010554. Please note that the document numbers changed from 6 to 7 digits at page SH0010001.

Pursuant to my conversation today with Gregory Masters of your office, a list of the existing videotapes of issues responsive programming is attached as Exhibit 1 to this letter. If you would like copies of any of these videotapes, please contact me to discuss appropriate arrangements.

We are asserting attorney-client privilege with respect to two (2) documents. They are described in Exhibit 2 to this letter. If you would like these documents to be submitted for in camera inspection by the Presiding Administrative Law Judge to determine whether they must be produced, please contact me.

If you have any questions regarding this matter, please contact me.

Sincerely,



Kenneth C. Howard, Jr.
Counsel for
Scripps Howard
Broadcasting Company

cc: The Honorable Richard L. Sippel (with exhibits, without documents)
Norman Goldstein, Esquire (with exhibits, without documents)
Robert Zauner, Esquire (with exhibits, without documents)

**Document Produced in Response to Part III (b)
of
Motion for Production of Documents by
Scripps Howard Broadcasting Company**

SH000023

September 4, 1991

Commissioner Robert Woods
Baltimore City Police Department
601 E. Fayette Street
Baltimore, MD 21202

Dear Commissioner Woods:

Channel 2 is airing a live TOWN MEETING on September 24 from 8 to 9 P.M. The program entitled "Surviving the Streets" focuses on crime in Central Maryland and efforts underway to reduce criminal activity.

There will be three panelists: Stuart Simms; a victim from the Maryland Coalition Against Crime; and a police officer from Baltimore County who goes into communities and teaches residents to fight crime through the COPE unit. Additionally, we will have a number of people in the front row of our studio audience who will be primary contributors to the discussion.

We would like to have Officer Namkyum Kim from your Community Relations Division as one of the front row participants. Because of his broad based community experience, we would also like him to suggest other individuals for our studio audience - individuals active in neighborhood patrols, or persons who have been victims of crime. Channel 2 is anxious that the people in the audience reflect a cross section of the community: white, African Americans, Asian Americans - young, old.

Knowing your commitment to reducing crime in the City, I feel sure you will want your department to work with us. It is appropriate, however, that we make this formal request.

I look forward to hearing from you as soon as possible. Channel 2's fax number is 377-0493.

Sincerely,

Janet B. Covington
Director of Public Affairs

SH000031

September '91

TO: Emily

FROM: Janet

The overriding issues that either stayed on - or were moved to the front burner during the last three months are:

- EDUCATION (at elementary, secondary and post-secondary level).
- BUDGETS at the state and local levels and the resulting cutbacks.
- BALTIMORE CITY MAYORAL/CITY COUNCIL ELECTION and the lackluster to no campaigns.
- REDISTRICTING at the Congressional level and the outrageous gerimandering designed to protect the political futures of the Democratic incumbents.
- STREET CRIME AND INCARCERATION. The escalation of crime was underscored by the deaths of two children - one six - one an infant caught in crossfire (in two separate street shooting incidents). Incarceration moved to the headlines when it was discovered almost 100 inmates had been held for months - several for a couple of years without a trial.
- SUPREME COURT AND BUSH NOMINEE Clarence Thomas. The debate that is taking place nationwide is taking place here. There is a degree of personalization since Thurgood Marshall is a Baltimorean and the headquarters of the national NAACP headquarters are located here.

SH000032

September 13, 1991

TO: Emily Barr
FROM: Janet Covington
RE: QUARTERLY SUMMARY

The overriding issues that either stayed on - or were moved to the front burner during the last three months are:

- EDUCATION (at elementary, secondary and post-secondary level):

A. ELEMENTARY AND SECONDARY:

By the time the expected non-renewal of Baltimore City School's controversial Superintendent Richard Hunter became official, a search for his replacement was in the final stages. Shortly after Hunter's contract was not renewed, Dr. Walter Amprey was named as the new Superintendent, but it was not absolute. In an unprecedented move, the School Board also named two deputies - two educators who had also been candidates for the top job. Superintendent Amprey accepted having Dr. Lillian Gonzales and Dr. Patsy Blackshear as his deputies. Concern for the quality of education in Baltimore City remains a top priority. The smoldering question now is: "Is Amprey a man of vision - Will the triumvirate work?" As we have in the past, Channel 2 will continue to monitor the progress - or lack of same in the Baltimore City School System. We will continue to consult with the Metropolitan Education Coalition, the G.B.C., the Abell Foundation, the Urban League, the Urban Services Agency, and the PTA in order to get a broad-based reaction to attempts to turn education around in the City.

Other important education stories in the State that affect all L.E.A.'s broke at the end of the school year. The State Board of Education announced new graduation requirements and the issuance of report cards for all schools. A new Superintendent at the State level was named.

B. HIGHER EDUCATION:

The Commission on Higher Education fielded for discussion plans for mergers between several different state colleges and universities. Debate began immediately and will continue during the months ahead. Doctors Calvin Burnett and Earl Richardson, Presidents of two separate black institutions of higher learning (Coppin State College and Morgan University respectively), vehemently oppose combining the two schools. This proposal and others bear further exploration and must be watched carefully in the months ahead. Clearly higher

SH000033

education has to be revamped in the State, but the form restructuring takes is a legitimate matter of debate.

One immediate response to the budget constraints being felt at all State schools was an increase in tuition costs. Some institutions cancelled certain courses as a revenue saving tactic.

- BUDGETS at the state and local levels and the resulting cutbacks:

A. STATE:

In spite of a diversified economy, Maryland was hit hard by the recession, and State revenues fell far short of what was expected. Additionally, State legislators had preferred holding fast to a "no new taxes" position rather than embrace a special commission's comprehensive, widely praised tax restructuring plan. When the new State fiscal year began July 1, most State agencies were under orders to cut their already reduced budgets by 15% and to impose hiring freezes. No cost saving measures imposed by the Governor generated more anger than changing the State employee work week from 37-1/2 to 40 hours. The Governor and Hilda Ford, head of personnel for the State, said this action would prevent layoffs. Unions representing State workers led employee opposition, but to no avail. Morale remains affected by the decision, however.

B. LOCAL:

Because of the shortfall in State revenues, Counties received less money from the State. Because of this, the economic downturn, and the "no new taxes" mentality (that helped put the county executives and councilpersons in office), all Central Maryland subdivisions had to make critical budget decisions that have impacted upon the delivery of services and delayed the implementation of some programs previously scheduled for start-up. Roger Hayden, Baltimore County Executive, remains firm in his tax position, but Charles Ecker of Howard County is exploring new tax initiatives. Robert Neall of Anne Arundel County has introduced austerity measures and spent so much time on fiscal matters that some have criticized his lack of vision for the future.

- BALTIMORE CITY MAYORAL/CITY COUNCIL ELECTION and the lackluster to no campaigns:

The incumbent Mayor, Kurt Schmoke, found excuses not to engage in a public, community-based debate with his two principal challengers.

SH000034

While this was good political strategy for the Mayor (as noted by his campaign manager Larry Gibson), it had a dampening affect on voter interest in the Primary. Channel 2 efforts in partnership with the League of Women Voters to schedule debate for television also failed.

Redrawn Councilmanic lines resulted in candidate activity on the part of those seeking City Council seats - particularly in the 1st, 2nd and 3rd Districts. The most interesting - if still only mildly exciting - contest was for Comptroller, since the ailing incumbent chose not to run again - and since two of those aspiring to the job gave up Council seats in order to run.

The alarming sidebar to the Councilmanic contests was race clearly became an issue in many districts - particularly where the redrawn lines threatened the incumbents.

- REDISTRICTING at the Congressional level and the outrageous gerrimandering designed to protect the political futures of the Democratic incumbents:

The Governor's Advisory Committee on Redistricting present^{new Congressmen} their recommendations for Maryland's districts. Everyone wondered if members of the Committee had been sleeping with their eyes open when public hearings had been held statewide throughout late spring and early summer. The redrawn map Mitchell, Miller and other members of the Commission unveiled was one of the most outrageous examples of gerrymandering imaginable. As a result of the public outcry statewide (Representatives Bentley and Cardin were particularly vocal), Committee members are making changes. Several Senators are also drafting alternate plans to be ready when the General Assembly convenes for a special session in late September called for the purpose of approving new district lines before the March '92 Primary in Maryland.

- STREET CRIME AND INCARCERATION: The escalation of crime was underscored by the deaths of two children - one six - one three, caught in crossfire (in two separate street shooting incidents). Incarceration moved to the headlines when the State took over the operation of the Baltimore City Jail on July 1 and subsequently discovered almost 100 inmates had been held for months - several for a couple of years without a trial.

Incidents of violent crime in the City increased, and so did the level of fear among residents. While no section is immune, most murders and assaults occurred in black neighborhoods. Bullets fired in street crimes even went through open windows, injuring those who stayed inside because they thought they would be safe. Rev. Willie Ray and other ministers organized rallies and marches urging citizens to take back their neighborhoods, and to report to the police drug dealing or other suspicious behavior they witnessed.

Police Commissioner Woods increased foot patrolmen in a number of high risk neighborhoods. Mayor Schmoke continues to point out the correlation between joblessness and crime and illicit drugs and how they threaten the future viability of the City.

The long lobbied for takeover of the City Jail by the State Department of Corrections and Public Safety became official July 1st. Randy Cochran, the new Warden and Patrick Conroy, the Facility Coordinator, had been prioritizing the long list of improvements needed and establishing a timetable even before they assumed their new duties. When they actually came aboard and started the task of updating the record keeping and prisoner tracking procedures, they found men had been kept way beyond the legal limit for having a trial. There are other problem areas in the jail that need attention ASAP. The station must continue to monitor progress at the institution. Watchdogging by the press has proved to be a valuable tool in prodding the Department of Safety and Public Policy.

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