

BEFORE THE

Federal Communications Commission

JUL 12 1994

WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)
)
THE LUTHERAN CHURCH/)
MISSOURI SYNOD)
)
For Renewal of Licenses of)
Stations KFUD/KFUD-FM)
Clayton, Missouri)

MM Docket NO. 94-10
File Nos. BR-890929VC
BRH-890929VB

To: The Honorable Arthur I. Steinberg
Administrative Law Judge

CHURCH EXHIBIT 4

Testimony of Dennis Stortz

Respectfully submitted,

THE LUTHERAN CHURCH -
MISSOURI SYNOD

By: Richard R. Zaragoza
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Dated: June 1, 1994

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TESTIMONY OF DENNIS STORTZ

A. PERSONAL BACKGROUND

1. I am the Director of Operations, i.e., General Manager of KFUA(AM), 850 kHz, and KFUA-FM, 99.1 MHz, both licensed to Clayton, Missouri (the "Stations" or "KFUA"). I am a life-long member of the Lutheran Church-Missouri Synod, and was educated in a private Lutheran school for eight years. I graduated from Southern Illinois University in 1974 with a major in Broadcast Communications.

2. I have been employed at the Stations since 1975. I was Station Engineer from 1975 to 1978. Thereafter, I became Operations Manager for both Stations from 1978 to 1991. During part of that time, specifically from July 1986 to May 1987, I was also the Acting General Manager of both Stations. Since 1991, I have held the position of Director of Operations (General Manager) of both Stations. Particularly during the period while I was Acting General Manager, 1986-87, and since 1991 as Director of Operations (General Manager), I have had day-to-day responsibility for hiring and personnel practices. Even when I did not have ultimate authority for hiring or personnel decisions, I was involved in or otherwise aware of the processes involved and the considerations behind personnel actions at the Stations.

3. Based on my nineteen years of experience, it is clear to me that the Stations -- which constitute one of the ministries of the Lutheran Church-Missouri Synod -- have always approached employment with a non-discriminatory intent. My understanding and belief of the Lutheran theology is that it teaches and encourages all persons to achieve their fullest individual potential in their life in God. Establishing barriers to that achievement by discriminating on the basis of race simply would be contrary to all I know of the Church's doctrine, as well as my personal beliefs.

4. From my observation of and involvement in the personnel activities of the Stations, the Stations never discriminated against anyone because of his or her race during the license period involved in this proceeding, that is, from February 1, 1983 to February 1, 1990 (the "License Term"). Moreover, no one used employment qualifications for certain positions as racially discriminatory barriers to employment at the Stations. Indeed, it is so clear to me that the Stations did not discriminate that the suggestion that they might have done so is completely foreign, incomprehensible and hurtful to me.

B. RADIO BROADCAST MISSION

1. Church Ministry

5. The Stations are a significant part of the ministry of the Lutheran Church-Missouri Synod (sometimes referred to as the "Church"). Both KFUC(AM) and KFUC-FM are dedicated to the task

of carrying out in their way the Church's Great Commission, given by Christ.

2. Programming

6. In his Testimony, Reverend Paul Devantier describes the programming of KFUD(AM) and KFUD-FM from the beginning through the License Term. I would like to add that from an operations perspective in many ways the Stations have been one and each is dependent upon the other. They have operated out of the same building on the campus of Concordia Seminary. A number of job positions have overlapped both Stations, namely certain positions in management, in the business department, in engineering, as well as certain secretarial, clerical and receptionist positions. Portions of the music library were shared during the License Term. KFUD(AM)'s format has been religious and KFUD-FM broadcast sacred as well as non-liturgical classical music. Sample program guides from the License Term are attached as Attachment 1. The guides describe programs produced by and broadcast on KFUD(AM) such as "Joy", a weekly 30-minute program, featuring a variety of Christian choral music selected in accordance with the Church's liturgical year; and "Portals of Prayer", a 2 1/2 minute devotion for each day of the week.

3. Concordia Seminary

7. To amplify upon Reverend Paul Devantier's statement about Concordia Seminary in his Testimony, during the License

Term Concordia Seminary students and their spouses held 8 full-time and 21 part-time positions. (Of the part-time positions, 17 were AM announcers who needed religious training.) Such individuals have been willing to work full-time and part-time for the low salaries that these Church Stations have been able to pay.

8. In this regard, the Stations have always received passionate letters in which Lutherans, both Seminary students and others, have expressed their desire to work at the Stations as an extension of their ministries. Some of their letters are attached as Attachment 2. Even Seminary students or their spouses who lacked on-air skills have frequently desired to devote their individual talents to bringing the Church's message to the air. For example, Steven J. Benko offered the Stations his skills in data processing. Mr. Benko's letter states that the financial constraints of being a husband and father of four had forced him out of his part-time study for the ministry. He sought employment with the Stations to enable him to maintain his connection to the Church and perhaps to return to his study of the Church's theology. Such dedication to an employer's mission is truly rare and has proven vital to the Church's continued operation of these Stations.

9. The Stations' relationship with Concordia Seminary is also vital to the Church as a whole because it has assured the existence of future generations of ministers able to preach through the radio ministry. For example, Reverend Paul

Devantier, while a seminary student, served as a part-time AM Announcer at KFUC. After graduating, Reverend Devantier became the Stations' Director of Development, served as General Manager, and eventually became the Church's Executive Director of the Board of Communications Services, which oversees the Stations for the Church.

C. EQUAL EMPLOYMENT OPPORTUNITY AT KFUC (AM/FM)

10. The Stations remained committed to non-discrimination throughout the License Term. From the beginning of the License Term, the Stations' personnel policies required employment on a racially non-discriminatory basis. The Stations' personnel policies in effect in 1983 stated:

It is the policy of this Station, as set forth by the Board of Directors, to provide employment . . . without regard to race, color, religion, national origin, sex or age, except where religious affiliation is a bona fide occupational requirement.

The Stations' personnel policies also were committed "to take affirmative actions to seek out individuals whose potential has not been developed, with the objective of assisting them to meet . . . standards" at a level consistent with healthy growth. A copy of the relevant page of this personnel manual is attached as Attachment 3. By 1987, the Stations' personnel policies were controlled by policies in force at the Church. Those policies included a commitment to equal opportunity recognizing two basic

concepts, non-discrimination and affirmative action, while acknowledging that for certain positions the Church needed to seek out "individuals with specific religious training." The EEO policy stated:

The recognition of non-discrimination demands the elimination of all prohibited discriminatory conditions, whether purposeful or inadvertent. The Lutheran Church - Missouri Synod is pledged to the careful and systematic examination of all its employment policies to be certain that such policies do not operate to the detriment of any individual on the grounds of race, color, religion, sex, or national origin.

Our commitment to Affirmative Action prompts us to do more than ensure neutrality with regard to race, color, religion, sex, or national origin. The Synod is pledged to programs which place special emphasis on our efforts to recruit, employ, and promote qualified members of all such groups.

A copy of the relevant page of the Church's personnel manual is attached as Attachment 4.

11. The Stations continued to struggle financially throughout the License Term, however, despite the acceptance of advertisements on the FM. See financial statements attached as Attachment 5. Because of their financial problems, the Stations did little or no employment advertising during the first several years of the License Term. Instead, the Stations were forced to hire people who learned about the stations through informal sources and were willing to work for low pay. For example, Ruth Clerkly and Cynthia Blades, two African American women, learned of job openings through their contacts at local Lutheran Churches

or agencies. To make these informal sources more productive during this time, the Stations encouraged all referrals and walk-ins to complete applications and called those whose names were on file for interviews whenever openings occurred. Also, in this early period and throughout the License Term, the Stations posted notices on a bulletin board informing applicants and employees that KFUD was an Equal Opportunity Employer.

12. The Stations' recruiting efforts must also be viewed with an awareness that many positions required a knowledge of Synod doctrine and philosophies. To cite a classic example, the Station Manager of KFUD(AM) needed to be familiar with the mission and doctrine of the Church because part of his job was to insure that the station not preach false doctrine. (In my judgment, there was simply no substitute for faith in the Church's teachings as a qualification for this task.) The Director of Development needed to create the AM station's fund raising letter and therefore needed to understand the ministry of KFUD and its relation to doctrine and to the Bible. Indeed, it was our judgment that it was desirable that a Lutheran pastor hold this position. It was also helpful for certain secretaries to be familiar with the Lutheran Church because part of their job was to contact pastors to enlist volunteers for "Share-A-Thons."

13. During the License Term, our judgment was that it was also essential to have knowledge of Lutheran doctrine to be an announcer of religious programming on KFUD(AM). Again, we believed there was no substitute for such knowledge for selecting

and presenting the materials and for responding to caller inquiries. The Director of Audio Resources (title changed to Manager of Religious Programming in 1988) was responsible for managing the broadcasts of live worship service on KFUO(AM) from area Lutheran congregations, for producing that station's Christian music programs, for arranging for daily worship programs produced by the station, and for creating other worship program features produced and broadcast by the station. Again, substantial knowledge of the Lutheran mission and doctrine was needed. Moreover, our judgment was that it was desirable to be an active member of a Lutheran Church-Missouri Synod congregation for many jobs with some connection to the espousal of religious views. For example, Church membership was considered desirable for any receptionist (who would have worked for both stations) because the receptionists needed to interface with religious listeners and potential donors. It is important to remember that the studios of KFUO(AM) and KFUO-FM were located in the same building at Concordia Seminary during the License Term and that this meant that many employees (e.g., receptionist) served both Stations.

14. Another circumstance which must be considered in evaluating our recruitment efforts is that the Stations continued to fill positions (largely part-time) with Seminary students and their spouses, consistent with their long-standing mutually-beneficial arrangement with the Concordia Seminary. I should note that most of the Seminary students were hired for positions

connected with the espousal of religious views, such as part-time announcers of religious programs on KFUO(AM). A chart is attached as Attachment 6 identifying each of the Stations' full-time and part-time hires during the License Term, and where known, the referral source of the hire and other applicants.^{1/}

15. During the License Term, we also believed that it was essential or highly desirable for announcers and salespersons for the FM station to be knowledgeable about classical music. Toward the end of the License Term, our thinking evolved and we began to believe that general experience in sales was perhaps as or more important than knowledge of classical music as a qualification for salespersons at KFUO-FM. Our reasons for this belief concerning salespersons' knowledge about classical music are perhaps best explained by the FM station's historical experience with sales. Between 1983 and 1986, KFUO-FM did not hire its own salesmen but instead relied on an outside consultant, Concert Music Broadcast Sales ("CMBS"), to do both national and local advertising. As noted above, the Stations had both previously been noncommercial and were still inching their way into a fully commercial culture. CMBS was a national sales representative based in New York, specializing in spot national sales for

^{1/} Tom Sudholt is shown on the chart as a part-time hire, which is correct. Mr. Sudholt was hired as a part-time announcer in 1987 and only later became full-time. It was an inadvertent mistake to state that Mr. Sudholt was a full-time hire (as opposed to subsequently becoming full-time) in Table Three to the Stations' February 1990 Opposition to Petition to Deny.

commercial classical music radio stations throughout the United States. The salesperson hired by CMBS was, in our judgment, knowledgeable about classical music. When it came time to hire our own initial sales manager, Bern Hentze, I proceeded on the same premise -- people with knowledge of classical music would be the best salespersons because they would know their "product." Of course, at times during the years 1986 - 1989, the turnover in the sales force was great and economic pressures forced us to hire replacements quickly. Thus, there were instances in which we had to settle for people who had less knowledge about the "product" than we might ideally have liked.

16. I want to make it clear that the need for classical music knowledge for various jobs did not in any way affect our willingness to recruit individuals of any race, color or creed. We certainly had no sense that the requirement for familiarity with classical music would in any way single out minorities for negative effect or would disqualify members of any race. Moreover, to the best of my knowledge, no minority applicant was ever rejected for any position at KFUC-FM because he or she lacked knowledge of classical music.^{2/}

^{2/} In an "Opposition to Petition to Deny and Response to Inquiry" filed on behalf of the Stations on February 23, 1990, there is an argument that because of our FM station's classical music format, and the resulting need for certain employees to be knowledgeable about that format, the Commission should consider using alternative data to the normal labor force statistics in judging the results of certain of our recruitment efforts. See Attachment 7 at pgs. 9-11. (I reviewed this Opposition and provided an Affidavit concerning the truth of the facts therein, but did

17. Given the financial problems of the Stations and their religious mission, I believe the Stations did a creditable job of attracting minorities -- although with 20/20 hindsight, it is clear to me that we should have done more active recruiting earlier during the License Term. I should add that there was high turnover in the General Manager positions, which hindered our effort to establish a consistent outreach effort during the License Term. Nonetheless, Reverend Paul Devantier visited the Stations' facilities two or three times a month as a liaison in the early years of the License Term, and then approximately once a week beginning in 1986 to oversee the Stations and to insure that the Church's policies were observed. And beginning in 1986 and 1987, the Stations did more advertising, and thus increased outreach efforts in spite of continuing financial pressure. In August 1987, as well as several times throughout 1989, the Stations advertised in the St. Louis Post Dispatch for

not formulate or draft the legal arguments.) This argument did not describe KFUC-FM's hiring practices, and certainly it said nothing about our willingness to recruit for and hire minority individuals -- it was merely a legal argument concerning the appropriate labor force statistics to use. I relied on legal counsel, Marcia Cranberg of Arnold & Porter, for the advice that we should make this argument as part of our efforts to defend our hiring practices to the Commission. When offense was apparently taken at the argument in 1992, I faxed Ms. Cranberg a note making it clear to her that while the FM station's classical music knowledge requirement was real, I didn't want it to be construed as an "excuse." As I stated in my memorandum: "It is what we do as radio stations, and there is no bent toward discrimination." See Attachment 8 for a copy of this letter to our counsel. If anyone was offended by this argument, however, I apologize.

salespersons. The Stations also advertised in Broadcasting Magazine for a general manager of the AM station, a station manager of the FM, a sales manager, a Director of Audio Resources, and for an announcer on the AM station. See Attachment 9 for evidence of certain of the Stations' advertising efforts.^{3/} The FM station made a concerted effort to hire a minority salesperson and did in fact hire Caridad Perez, a Hispanic female, in March 1988. Beginning in 1986 or 1987, the Stations also posted openings at the Church's International Center, whose employees were approximately 11.5% minority. The Stations continued, however, to have their need for knowledge of Lutheran principles for certain positions. Accordingly, KFUD(AM) in particular continued to rely heavily on employment advertising in periodicals such as The Lutheran Witness, which was widely distributed to members of Lutheran Church-Missouri Synod congregations, including of course the Church's African American members.

18. In late 1988 and early 1989, as the result of attendance by a general manager, Tom Lauher, at a Missouri State Broadcasters Association renewal seminar in the Fall of 1988, the Stations began a re-examination of their outreach efforts and their general compliance with the Commission's EEO requirements. The initial focus of this examination was a concern about

^{3/} Our policy was to state in every advertisement that the Stations were Equal Opportunity Employers. If this statement was omitted from a specific ad, it was because of an inadvertent error.

questions in the job applications concerning religious affiliation. Accordingly, the stations sought legal advice from Arnold & Porter on this issue.

19. Over the years, Arnold & Porter had written to the Stations on several occasions apprising them about the status of pending EEO proceedings or developments. Each of these letters appeared to be a form letter, presumably sent to all of Arnold & Porter's FCC clients. Most dealt with changes in the forms to be used when making EEO filings. Nothing in them appeared to alert the Stations to any particular deficiency they had or to deal with their peculiar concern regarding religious discrimination. Accordingly, the Stations sought specific advice on the issue. In April 1989, Arnold & Porter advised in a letter that the King's Garden case held that a station could use a religious criterion for any jobs which were connected with the espousal of religious views. See Attachment 10.

20. Also in April 1989, FM General Manager Lauher analyzed the "Review of Defensive Measures" in the EEO Handbook, A Practical Guide for Broadcasters, advising that the Stations had undertaken most of the applicable measures. A copy of the analysis is attached as Attachment 11. In this regard, it should be noted that the Stations sometimes exceeded the FCC's 50% parity guidelines. Because of the small size of the staff, however, parity numbers were subject to large fluctuations. (See Attachment 12). (It should be noted that there were 5 full-time Black employees at the Stations during the License Term who were

not employed during the weeks used to complete the FCC Forms 395-B, i.e., the last two weeks of January of each year.^{4/} Thus, the parity analyses in Attachment 12 may well underestimate the Stations' success in hiring minorities.)

21. Based on his re-examination of the EEO rules and the response from Arnold & Porter, FM General Manager Lauher developed in April 1989, materials for use to ensure compliance with EEO obligations. The materials included an employment application, policies on EEO, and an EEO Data Form and Applicant Flow Chart. See Attachment 13. In July 1989, the FM station sent letters to at least ten local universities and personnel agencies stating that it encouraged minority applications and seeking help in recruiting minorities. Such requests for help in recruiting minorities went to:

Roth Young Personnel Service of St. Louis
University of Missouri (at St. Louis)
Meramec Community College
The Broadcast Center^{5/}

^{4/} These minority employees were: Ruth Clerkly, who was hired on September 30, 1984 and left KFUD on December 26, 1986 (did not appear in the 1984 employment report); Helen Richardson, who was hired on March 26, 1985 and left KFUD on August 31, 1985 (did not appear in any employment report); Lisa Harrison who was hired on August 28, 1985 and left KFUD on January 10, 1986 (did not appear in any employment report); Caridad Perez, who was hired on March 7, 1988 and left KFUD on January 31, 1989 (did not appear in the 1988 employment report); and Cynthia Blades, who was hired on November 1, 1989, and left KFUD on April 20, 1990 (did not appear in 1989 employment report).

^{5/} The Broadcast Center is the only broadcast trade school in St. Louis and was approximately 7% minority (5.9% Black). The Stations had used the Broadcast Center to recruit for

Southern Illinois University
Lindenwood College
John N. Olin School of Business
(at Washington University)
St. Louis Community College
Snelling & Snelling (of Clayton)
Sales Recruiters Irvin Edwards

See Attachment 14. These letters sought minority applicants for all openings which might occur at the Stations, and therefore did not mention job qualifications for any specific positions.

22. Because of turnover in managerial personnel in the summer of 1989, the EEO forms were not consistently used during the remainder of that year. However, as the result of several letters from communications counsel during 1989, the Stations further augmented their efforts to comply with EEO requirements. For example, during 1989 KFUD began seeking referrals from the Lutheran Employment Project of St. Louis, a clearinghouse run by the Church for employment of members of minority groups. In November 1989, KFUD interviewed three minority persons referred by the Project, and hired one of them, Ms. Cynthia Blades. Also, at the end of the License Term, I used the EEO data forms and EEO recruitment program forms in connection with new hires. See Attachment 15. Moreover, at that time the Stations advertised in newspapers, such as the St. Louis American and the St. Louis Sentinel whose target audiences are African American, for the then-existing job vacancies. See Attachment 9.

certain positions since at least 1987.

23. In sum, I want to state emphatically once again that I am aware of no instance in which the Stations discriminated against anyone on the ground of race during the License Term. We never intended any job qualification, such as the knowledge of classical music, to be a barrier to the hiring of minorities, and the need for knowledge of classical music neither affected our desire to recruit minorities nor limited our recruitment efforts. To the best of my knowledge, we never rejected any minority individual for any position because he or she lacked knowledge of classical music. Moreover, the Stations' outreach efforts to hire minorities improved during the course of the License Term. I acknowledge, however, that we should have acted earlier in this regard and I am sorry that we did not.

D. THE STATIONS' RENEWAL APPLICATIONS

24. At my direction, Ms. Zika prepared the 1989 license renewal applications and collected certain information -- for example the number of job hires within the twelve month period ending September 30, 1989. I reviewed the draft Equal Employment Opportunity Program Report which Paula had prepared. I knew that Ms. Zika had used our 1982 application in preparing the Report and agreed that this was the best way to proceed.

25. In reviewing Ms. Zika's draft 396 EEO Program Report, I did not believe that any substantive changes needed to be made in Section I entitled "General Policy," or in Section III called "Policy Dissemination." Section II, entitled "Responsibility for

Implementation," was updated to provide Paul Devantier's name since he was the Executive Director of the Board for Communication Services of the Church and, as such he was the "CEO" of the Stations. Moreover, the new General Manager for the AM station did not start working until after October 1, 1989, and we did not have a General Manager for the FM station at that time. In Section IV, entitled "Recruitment," I believed that the first sentence needed no changes. That sentence stated: "When vacancies occur, it is the policy of KFUO and KFUO-FM to seek out qualified minority and female applicants." I believed that this statement was accurate because at that time the Stations generally sought qualified minorities and females for openings on their staff. Indeed, I believed that the Stations' financial ability and general efforts to recruit minorities had increased over the License Term.

26. Because we had generally publicized openings for much of the License Term and had sent recruitment letters in July 1989 to at least ten local universities and personnel agencies stating that we encouraged minority applications and seeking help in recruiting minorities, I added a sentence to the section on "Recruitment" stating that we "actively seek female and minority referrals," and attached a sample of a part of one of our letters. I believed that these letters were evidence of our then-current (i.e., July - September 1989) active efforts to recruit minorities and females. We had in fact sent the letters

and I certainly had no intention of misleading the Commission by attaching a sample.

27. I was aware, of course, that the Stations had certain job qualifications, most significantly theological training, for certain positions. I did not believe, however, that this made the sentence about our policy in the renewal applications misleading -- the sentence stated that we sought out "qualified" minority and female applicants and I believed that this was consistent with our use of various employment criteria such as religious training or knowledge of classical music. Moreover, the Commission was well aware that the Stations were licensed to a Church, and it therefore never occurred to me that we needed to mention that theological training was necessary for certain jobs. (I should note that the Commission had not raised this point in connection with our 1982 or any prior renewal so I had no reason to believe we needed to enumerate the various qualifications for jobs that we used, as opposed to just stating the accurate statement that we sought "qualified" applicants.) Similarly, it did not occur to me that we needed to explicitly mention our arrangement with the Concordia Seminary -- again, the Commission was well aware that the Stations had a connection to the Seminary, especially given that KFUO(AM) had originally been licensed to the Seminary.

28. After the Equal Employment Opportunity Program for the renewal applications was prepared, I asked Paula Zika to send it for review to our communications counsel at Arnold & Porter,

Marcia Cranberg. Ms. Cranberg made certain suggestions for changes but did not suggest that we modify any of the statements which I discuss above, nor did she state that we needed to enumerate explicitly all the criteria we used to hire personnel, such as religious training, or to remind the FCC of our relationship to Concordia Seminary. The renewal applications were signed and filed. (See Attachment 16).

29. I recall reading through the Form 396 EEO Program Report during the preparation of the renewal applications, but I did not ask Paula about the information on "Job Hires". I was aware that she had reviewed the employment records which she kept in completing the application. After the renewal applications were completed, they were forwarded to Reverend Paul Devantier, the Executive Director of the Board for Communications Services of the Lutheran Church-Missouri Synod (and a former General Manager of KFUO) so that he could have them signed by the Reverend Ralph A. Bohlmann who was then President of the Lutheran Church-Missouri Synod.

30. The KFUO(AM) and FM renewal applications were filed with the Commission on September 29, 1989. In December 1989 I assisted our communications attorney, Marcia Cranberg of the Washington, D.C. firm Arnold & Porter, in preparing a Supplement to the renewal applications filed December 29, 1989. That Supplement, like the renewal applications, reflected that during the twelve month period beginning October 1, 1988 and ending

September 30, 1989, the station hired a total of six persons, two white males and four white females.

31. On January 2, 1990, the Missouri State Conference of Branches of the NAACP, along with local branches of the NAACP, filed a petition to deny the renewal applications of a number of radio stations in Missouri including KFUO (AM) and FM. On January 4, 1990, the EEO Branch of the FCC sent a letter to Reverend Paul Devantier asking for detailed information concerning job hires at KFUO during the time period from October 1, 1986 to October 1, 1989. At the direction of Reverend Devantier, Paula and I gathered the information requested for that three year period and sent it to Marcia Cranberg at Arnold & Porter for inclusion in the "Opposition to Petition to Deny and Response to Inquiry" (the "Opposition") that was filed on February 23, 1990 as a response to the Petition to Deny and to the January 4, 1990 FCC letter.

32. Included in the information submitted with the Opposition was a Table 3 which supplied the information requested by the FCC's January 4, 1990 letter. Paula Zika and I had performed a de novo review of the records of the Stations to gather the information set forth in Table 3 of the Opposition for each position filled at the Stations during the three year period described in the January 4, 1990 FCC letter. When Paula and I compiled Table 3 for the 1990 Opposition, we did not notice any disparity between that information and the information contained in the EEO program that was appended to the license renewal applications.

33. There was no further mention of the hire data until the FCC requested additional information in a letter dated June 26, 1992 from Glenn Wolfe to The Reverend Ralph A. Bohlmann. For the first time in the almost two and one-half-years since the filing of the Opposition, the FCC sought clarification as to why the original renewal applications listed six hires for the October 1, 1988 to September 30, 1989 time period while the February 1990 Opposition indicated that there had been fourteen hires (ten full-time and four part-time) during that time period.

34. Upon reviewing this letter, I examined the renewal application and the Opposition to try to figure out the reason for the apparent discrepancy. I sent the Stations' lawyer at Arnold & Porter a letter stating that I did not understand the reason for the apparent discrepancy, a copy of which is attached as Attachment 17. I asked Paula Zika how she had arrived at the number six in completing the renewal applications. Paula told me that she believed the difference in the answers was the result of the two different questions being asked by the FCC. In the FCC Form 396, the FCC had requested the number of "total hires" so Paula said she had counted the "net gain" of hires.

35. In contrast, the January 4, 1990 letter had asked for information for "each position filled" between October 1, 1986 and October 1, 1989. Thus, when Paula Zika and I gathered the information for the Table 3 included in the Opposition, we reviewed all payroll and personnel records for the time period for both full-time and part-time employees and listed every hire