

NAACP EXHIBIT 5

Federal Communications Commission	
Docket No.	94-10
Exhibit No.	5
Presented by	NAACP
Disposition	Identified 6/21
	Received
	Rejected 6/21
By	BARBARA LORD
Date	6/21/94

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DECLARATION OF ELIZABETH W. GARLINGTON

I, Elizabeth W. Garlington, respectfully state as follows.

1. I am a resident of the City of St. Louis in the State of Missouri. I have been a resident of Missouri since 1935.

2. I am the Chairperson and Coordinator of the NAACP/ACT-SO Program and have served in this capacity since 1976.

ACT-SO is an acronym for Afro-Academic, Cultural, Technological and Scientific Olympics. Through ACT-SO, the NAACP is providing an instrument through which black youths are encouraged and inspired toward excellence in academic and cultural pursuits while benefiting from the maximum support of their communities.

3. ACT-SO is the major youth program the NAACP sponsors. ACT-SO is composed of talented 9-12 grade students who are college bound. Of the many programs offered by the ACT-SO Program, Classical Music: Vocal/Instrumental is one of the strongest.

The classical music students of ACT-SO compete annually with over 500 students from around the country at the NAACP National Convention.

Classical Music:Vocal/Instrumental winners of the national competition from St. Louis include 1977 Vocal Gold Medal Winner Paula Ingram; 1980 Instrumental Gold Medal Winner Daryl Getter; 1981 Instrumental Gold Medal Winner Kem Williams; and 1991 Instrumental Gold Medal Winner Terry Martin.

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## DECLARATIONS OF ELIZABETH W. GARLINGTON

All of these individuals have started various programs that teach and improve classical music abilities and performances to young Afro-Americans.

Kem Williams, for example, has started the Cameron Youth Orchestra which teaches young Afro-American students classical music for strings and french horn.

ACT-SO members, Fariga Drayton and Robert McNichols are currently members of the St. Louis Youth Symphony.

The Artist-In-Training Program sponsored by the Opera Theatre of St. Louis and the Monsanto Fund work very closely with students to train the in classical voice.

4. We have found that there is a large interest of classical music in the St. Louis Afro-American community as evident by the many Afro-American classical groups that perform at schools, local social clubs, sorority functions and banquets. During Black History Month, there are many requests for their services.

Many Afro-Americans subscribe to the St. Louis Symphony and participate in the "In Unison" Program, which involves local black churches and the St. Louis Symphony.

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DECLARATION OF ELIZABETH W. GARLINGTON

5. KFUC Radio Station has a large Afro-American listening audience.

I declare under penalty of perjury under the laws of the United States of America that the foregoing Declaration is true and correct to the best of my knowledge and belief.

Executed

June 15, 1994

Elizabeth W. Garlington  
Elizabeth W. Garlington

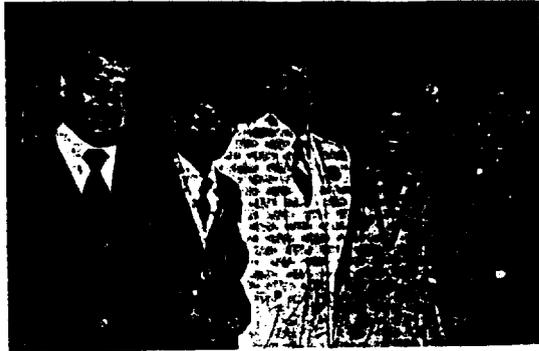
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NAACP ACT-SO WINNERS, Paula Ingram (left) and Karen Keys, received additional gifts in recognition of their achievement at the recent national NAACP convention in Portland, Oregon when Anheuser-Busch's marketing executive Henry Brown gave them the latest Lou Rawls recording. Seated opposite Brown is Barbara Hancock, who

doubled as chaperone for the girls and accompanist for Paula when she sang, "Depuis la Jour" in the finals competition. At lower right is George Curry, who was responsible for the excellent day-to-day coverage of the convention in the St. Louis Post-Dispatch.

NAACP ACT-SO Winners: Scott Jenkins of Chicago (2nd, l) and Paula Ingram of St. Louis (2nd, r), winners of the Afro-Academic Cultural Technological Scientific Olympics (ACT-SO) in which they received some \$15,000 in scholarships, are congratulated by (l-r) Bob Beavers, vice-president and regional manager McDonald's Corp.; Vernon Jarrett, Chicago Tribune columnist and National ACT-SO Chairman, and Herm Wille, vice-president of urban affairs, Kraft, Inc. Kraft, Inc. and McDonald's Corp. co-sponsored the ACT-SO program and presentation during the NAACP convention in Portland, Ore.



### NATIONAL WINNER



Karen Keys

Miss Keys won first place in the social science category for researching and delivering a speech on the negative image of blacks on television.



Paula Ingram

Miss Ingram won first place by singing "De Puis Le Jour," an opera selection.

### ST. LOUIS FINEST

Editor's Note—Miss Karen Keys was sponsored by Sentinel Charities in the NAACP's academic olympics. See page 9 for her award winning article.

her parents, Mr. and Mrs. Kenneth Keys, in the 300 block of Golf Course Drive, University City. She plans to attend Tulane University or the University of Houston, and to major in english or journalism.

Two young women from the St. Louis area won first place in a special academic competition sponsored by the National Association for the Advancement of Colored People to reward excellence among blacks.

Miss Ingram, 16, lives with her parents, Mr. and Mrs. Lloyd W. Ingram, in the 6300 block of Emma Avenue. She plans to attend the University of Missouri in Kansas City and major in music.

The winners were Paula Ingram of Southwest High School and Karen Keys of University City High. Each earned the first-place honors at the NAACP's national convention in Portland. They graduated this year.

Both were among 57 finalists in the ACT-SO program, an acronym for Academic, Cultural, Technical and Scientific Olympics. Each contestant had to win local contests in the general fields of performing arts science or social science before advancing to the finals.

Miss Ingram won first place by singing "De Puis Le Jour," an opera selection.

St. Louis was the only city to have two first-place winners in the senior category, ninth grade or higher. First-place winners were given \$1,000 savings bonds, gold medals and clock radios.

Miss Keys won first place in the social science category for researching and delivering a speech on the negative image of blacks on television.

Miss Keys, 18, lives with

ST. LOUIS SENTINEL Weekly News  
July 1977 St. Louis, Mo

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**OPERA THEATRE OF SAINT LOUIS**

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P.O. BOX 191910

ST. LOUIS, MISSOURI

63119-7910

314 961-0171

FAX 314 961-7463

August 19, 1991

Ms. Elizabeth Garlington  
4400 Lindell Blvd., #12P  
St. Louis, MO 63108

Dear Ms. Garlington:

I can't thank you enough for inviting me to attend the ACT-SO reception last week. Beforehand, I knew very little about the program's enormous impact. I was greatly impressed by the students' commitment to the program and the incredibly mature attitudes they displayed regarding competition. There was a great deal of talent in that small room, and it is encouraging to know that organizations like ACT-SO are playing such an important role in the lives of these students by fostering, encouraging and supporting their talent.

Opera Theatre was fortunate to have worked with Jermaine Smith over the course of the year in our Artists-in-Training program. I am delighted that he had the opportunity to work with ACT-SO in addition to his experience with Opera Theatre. I think that the encouragement he received from both organizations enabled him to solidify his commitment to the development of his vocal talent.

I know that there are many more students like Jermaine in the schools who will benefit greatly from this kind of support and encouragement. As we enter our second year of the Artists-in-Training program, we will be watching for just such students. I very much look forward to working with you over the course of the year. Now that I know more about ACT-SO, we can ensure that qualified students get ample opportunity to participate.

Please be sure to send me any and all ACT-SO information that I will need for the coming year. I hope to stay in close contact with you as we begin to work with our Artists-in-Training.

I feel privileged and honored to be a contributor to the ACT-SO program. It was a pleasure meeting you, and I look forward to a very successful collaboration.

Sincerely,

*Jamie S. Wimsatt*

Jamie S. Wimsatt, Director  
Education & Community Programs

# Opera Theatre of Saint Louis 1993 (6)

April 6, 1993

Mrs. Elizabeth Garlington  
ACT-SO  
4400 Lindell Blvd., #12P  
St. Louis, MO 63108

Dear Mrs. Garlington:

Opera Theatre of Saint Louis has had the good fortune of being able to work with you and your students through one of the company's innovative education programs. Whether it be through the Artists-in-Training program, Music! Words! Opera! or THE VERY LAST GREEN THING, Opera Theatre has been able to count on you to support its mission of building future audiences for music theatre.

To thank you for your dedication and hard work, and to recognize the countless achievements you strive for each day, Opera Theatre would like to invite you to its second annual *Teacher's Night at the Opera*, including a pre-opera cocktail reception and a performance of the world premiere production of THE MIDNIGHT ANGEL:

WHAT: Teacher's Night at the Opera

WHEN: Wednesday, June 9, 1993

TIME: 6:15 p.m. cocktail reception in OTSL's spring gardens

7:00 p.m. backstage tour of the Loretto-Hilton Center

8:00 p.m. performance of David Carlson's THE MIDNIGHT ANGEL.

TICKET PRICES: Opera Theatre is once again offering two tickets for the price of one for this evening. Tickets will be available in the following sections (and prices):

Section II - \$35

Section IV or V - \$24

Section VI or VII \$14

~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~  
04/95

NOTE: There will be a handling charge of \$2.00 per ticket order on all orders placed. These tickets are non-transferable and may be purchased on a per availability basis. When you order your tickets, please mention that you are requesting the Teacher's Night offer.

DEADLINE: The deadline to order tickets for Teacher's Night is Friday, April 30, 1993. To order, call the Opera Theatre Box Office at (314) 961-0644 and ask for June Hacker.

THE MIDNIGHT ANGEL promises to be one of the most exciting events of the 1993 opera season. I hope that you will join me for what will be a delightful evening in honor of you and the work you do with your students!

Sincerely,



Jamie A. Stern, Director  
Education & Community Programs

# NAACP ACT-SO Program Grooms Future Leaders

BY CLARENCE WASHINGTON  
*Of The St. Louis American*

When the NAACP assembled in Houston this past July for its national convention, an 18-year-old St. Louisan brought the 3,000 people in attendance bolting from their seats with sporadic applause as he vividly depicted the struggles of generations of African people.

The performance by Kenneth Wallace was one not expected of someone fresh out of high school. But for the organized body of students to which Wallace belongs, it not only was expected but highly demanded.

Wallace is among more than 1,000 students in 165 cities that participate in the NAACP's Afro-Academic Cultural, Technological and Scientific Olympics (ACT-SO) program.

Founded in 1977 by Vernon D. Jarrett, who now serves as its national chairman, ACT-SO's focus remains rooted in the firm conviction that African-Americans can succeed in the classroom at the superior levels of achievement constantly displayed by African-Americans in the athletic arenas.

ACT-SO was carved from a commitment of the NAACP to educate African-American youth, while encouraging student retention in the educational process.

The program conducts annual academic

competitions for students in grades 9-12 in NAACP branches throughout the country.

According to Jordan, the overall purpose of ACT-SO is to reach out to African-American youth and motivate them to excel.

St. Louis was among 16 other cities initially selected to pilot the program. Other cities included Chicago, Los Angeles, New York, Indianapolis and Philadelphia.

Elizabeth Garlington, the local ACT-SO chairperson called the program an effective



*ACT-SO coach and tutor Kem Williams takes time to conduct music class for the ACT-SO in the privacy of his own home.*



*ACT-SO students and their coaches met with parents and supporters during a recent reception at Blue Cross and Blue Shield building in the Central West End. (Left to right) John A. Wallace Sr., Kenneth A. Wallace, Doris E. King, Robert O. White and Dorothy Wallace.*

way of bringing attention to the skills of deserving students.

"It's about providing support for them (students) and reinforcing and developing their skills," Garlington said.

Garlington said volunteers continue to be the muscle for the project noting that she enlists the support and help from a variety of people.

Educators, clergy, business and community representatives serve on project committees to assist in mobilizing the student's resources, talents and ideas.

"The desire to be involved in the development of future black citizens who will make positive and effective societal contri-

butions as productive members of the community, should be on the agenda of all churches, schools, businesses and community organizations," Garlington said calling ACT-SO a "community project."

The volunteers work with the students to prepare them for the annual competition. Selected music teachers in the public schools may assist a student with vocal and instrumental lessons, while a math and science teachers teach their specialties.

In the past, schools in the Parkway, Pattonville, Ladue and St. Louis Public Districts have been active participants in ACT-SO.

see ACT-SO page 62

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## ACT-SO

*continued from page 35*

Garlington said the tutors and volunteers are extremely "instrumental" in helping to enhance student's self-concept and their creative abilities and technical skills.

For 17-year-old Robert White, ACT-SO has given him the opportunity to apply his interest in math and science and stray away from the path filled with drugs and crime.

After landing in a juvenile detention center, White knew it was time to make a change. He wanted to begin doing something productive so he began applying the knack he had with math and science.

Today, White is determined, focused and has no qualms about giving the deserved thank you to ACT-SO and "most importantly" God.

Students compete in a myriad of categories. Among those are dance, dramatics, music, oratory, essay, biology, chemistry, computer science, physics, mathematics and painting. Registration for ACT-SO is open year-round. For more information, call Elizabeth Garlington at 535-2196.

# ST. LOUIS OPERA THEATRE

1994

ACT. 50  
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# Building Tomorrow's Audience

OPERA THEATRE'S EDUCATION AND COMMUNITY PROGRAMS SEEK TO INTRODUCE YOUNG PEOPLE AND EDUCATORS TO THE WORLD OF OPERA BY OFFERING HANDS-ON, CURRICULUM-BASED PROGRAMS DESIGNED TO ENHANCE THE STUDY OF A VARIETY OF DISCIPLINES. OPERA EXPERIENCES ARE ALSO AVAILABLE FOR SENIOR CITIZENS, BUSINESS GROUPS, COMMUNITY ORGANIZATIONS, AND STUDENTS OF EVERY AGE.



## *National Endowment for the Arts "Arts Plus" Initiative*

In September 1991, Opera Theatre's Education Department was one of six organizations nationwide – and the only opera company – to be awarded this three-year grant from the NEA. While the grant provides funds for the continuation and development of the Artists-in-Training program, Opera Through the Looking Glass, *Music! Words! Opera!* and the fall children's operas, OTSL's education and community programs will also be carefully evaluated for their effectiveness and will serve as a role model for opera companies nationwide. In addition, the grant encouraged Opera Theatre to form an ongoing partnership with the Saint Louis Public Schools.

### *The Artists-in-Training Program*

Through a generous grant from Monsanto Fund, AIT is designed to identify, coach and encourage promising young singers in St. Louis's urban schools. Since September, thirteen students from Roosevelt, Beaumont and Normandy High Schools have benefited from coaching and guidance by Opera Theatre's visiting artists and permanent artistic staff members. The program culminates in an April recital where scholarship money is awarded to the participants.

Adjudicator for the students' recital was acclaimed soprano Carmen Baltróp.

### *Opera Through the Looking Glass*

A six-month series of special middle school classes focusing on this year's *Falstaff* is taught by OTSL's volunteer docents and Opera Theatre professionals and culminates in a *Falstaff* dress rehearsal and backstage tour. Teachers from both Carr Lane Middle School and Pattonville's Gifted Elementary Program assist with designing the curriculum.

### *Music! Words! Opera!*

This set of sequenced resource materials, developed by OPERA America is designed to guide students through a discovery of how opera relates to them and how they can create, produce, and perform their own works. *MWO!* is being implemented by classroom teachers and OTSL artistic mentors in five elementary schools and one middle school in the St. Louis Public Schools.



*(Left) Artists-in-Training students in recital and visiting backstage at the Sheldon with Kathleen Battle.  
(Above) Colin Graham directs students in the Opera-Through-the Looking-Glass Program.*



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### *Children's Opera, Fall 1993*

After eight weeks of intensive rehearsals, performances of the American premiere of Judith Weir's *The Black Spider* brought live opera performed by children to students throughout the greater St. Louis area. After sellout performances at CASA, the critics raved saying "[it] makes kids squirm in their seats even as they pay rapt attention"; and "[the students'] acting is credible, both on stage and in the video segments that serve as interludes; so is their singing." (James Wierzbicki, *St. Louis Post Dispatch*)

### *Met Life Artists-in-Residence Program*

Tomorrow's generation of young American singers make community and school appearances.

### *Docents*

Trained volunteers from the Saint Louis Opera Guild make presentations for schools and community organizations concerning a variety of opera-related topics.

### *Spotlight on Opera*

Exciting pre-season discussions of all four main season productions are led by OTSL directors and conductors.

### *A Little Lunch Music*

Free noontime concerts are presented at Christ Church Cathedral by young artists featured in main-season productions.

### *John D. Leoy Master Class Series*

Renowned professionals in the opera field offer inspiration and insight to OTSL audiences and young members of the main season ensemble.

### *Student and Senior Citizen Matinees*

Sponsored by Southwestern Bell Foundation and CARUS, a division of Physician's Health Plan, senior citizens and students are prepared by OTSL docents to attend orchestra dress rehearsals for all four main season productions.

### *National Endowment for the Humanities*

OTSL received its first Masterworks grant from the NEH to provide professional development opportunities for teachers. During an eight-day seminar, teachers will receive graduate-level seminars taught by visiting scholars about the evolution of children's classics from literature to libretto to opera. Applications to the school curriculum will also be discussed.

NAACP EXHIBIT 6

Federal Communications Commission	
Docket No.	<u>94-10</u> Exhibit No. <u>6</u>
Presented by	<u>NAACP</u>
Disposition	Identified <u>6/21</u>
	Received _____
	Rejected <u>6/21</u>
Reporter	<u>BARBARA LORD</u>
Date	<u>6/21/94</u>

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**DECLARATION OF LELAND WARE**

I LELAND WARE, hereby state as follows:

I am a Professor of Law at St. Louis University School of Law. Since 1987, when I joined the faculty, I have taught Employment Discrimination. In addition to teaching I have also published articles in scholarly journals concerning employment discrimination law. From 1984 to 1987 I was University Counsel at Howard University in Washington, D.C. From 1979 to 1984 I was a Trial Attorney with the U.S. Department of Justice, Civil Division. During those years I handled several employment discrimination cases. I have reviewed certain of the documents submitted in this proceeding. This declaration addresses, in a summary fashion, some of the theories of discrimination that are involved in this dispute.

**Disparate Impact**

A showing of intentional discrimination is not required to prevail on a Title VII claim. A plaintiff can prevail if she establishes the existence of a neutral policy which has a disproportionate impact on a protected group. In the leading case, Griggs v. Duke Power Co., 401 U.S. 424 (1977), the lower courts found that because there was no showing of a discriminatory motive, the plaintiffs had not established a violation of Title VII. The Supreme Court disagreed holding "practices, procedures or tests neutral on their face and even neutral in terms of their intent, cannot be maintained if they operate to 'freeze' the status quo of prior discriminatory employment practices." Title VII requires the

"removal of artificial, arbitrary and unnecessary barriers" to employment when those barriers operate invidiously to discriminate on the basis of racial or other impermissible classifications.

To establish a prima-facie case under the disparate impact theory, the plaintiff must show that the challenged practice affects members of a protected group in a pattern significantly different from the pool of applicants. To rebut the prima-facie case, the employer must show that the practice causing the disparate impact is job related. If the employer shows that the practice is job related, a plaintiff can still prevail if he can show that other selection devices, which do not produce a disproportionate effect, also serve the employer's legitimate interests. Such a showing would constitute evidence that the challenged practice is a pretext for discrimination.

**Word-of-Mouth Recruitment and Disparate Impact**

The employer's recruitment practices appear to have been word of mouth recruitment. Where, as in this case, there is a statistically significant disparity between the make-up the group hired, and that of the relevant labor market, word-of-mouth recruitment by a predominantly white work force has been the subject of substantial judicial condemnation. Employees normally advise people of their own race and, to some degree, their own sex of the availability of employment in their employer's establishment. Rowe v. General Motors Corp., 457 F.2d 348, 359, 4 FEP 445, 452 (5th Cir. 1972), (white employees found not to socialize with or know black persons who might be qualified to perform available work); Parham

v. Southwestern Bell Tel. Co., 433 F.2d 421, 427, 2 FEP 1017, 1022 (8th Cir. 1970) "existing white employees tended to recommend their own relatives, friends and neighbors, who would likely be of the same race.")

Numerous courts have found that word-of-mouth recruitment by a substantially all-white work force has the effect of replicating the racial characteristics of the existing work force. EEOC v. Detroit Edison Co., 515 F.2d 301, 313, 10 FEP 239, 247 (6th Cir. 1975), vacated and remanded on other grounds, 431 U.S. 951, 14 FEP 1686 (1977) ("The practice of relying on referrals by a predominantly white work force rather than seeking new employees in the marketplace for jobs was found to be discriminatory."); Long v. Sapp, 502 F.2d 34, 41, 8 FEP 1079, 1084 (5th Cir. 1974) (word-of-mouth recruitment serves to perpetuate all-white work force and thus violates Title VII); EEOC v. Operating Engineers, Local 14 and 15, 415 F. Supp. 1155, 251, 14 FEP 870 (2d Cir.), injunction proceeding after remand, 438 F. Supp. 876, 16 FEP 325 (1977) (union's informal and unstandardized training program resulted in members relying on friends and relatives for training to obtain skills necessary for union membership; since union membership had historically been white and remained substantially white, this contributed to a "pattern or practice" violation of Title VII by denying minorities equal access to employment and perpetuating effects of past discrimination); NAACP v. City of Corinth, 83 F.R.D. 46, 62, 20 FEP 1044, 1056-57 (N.D. Miss. 1979) (lack of advertising job vacancies other than by word of mouth unlawful

where former employees rehired without need for new applications and black applicants not considered).

In Franks v. Bowman Transportation Co., 495 F.2d 398, 419-20, FEP 66, 81 (5th Cir. 1974), rev'd on other grounds, 424 U.S. 747, 12 FEP 549 (1976), the employer's reliance on word-of-mouth recruiting rebutted the contention that an all-white work force was due to a lack of interest in those jobs among blacks. In Barnett v. W. T. Grant Co., 518 F.2d 543, 549, 10 FEP 1057, 1062 (4th Cir. 1975) recruitment of new over-the-road drivers by word-of-mouth solicitation was found discriminatory because it tended to perpetuate the all-white composition of the work force.

In Lea v. Cone Mills Corp., 301 F. Supp. 97, 2 FEP 12 (M.D.N.C. 1969), aff'd in relevant part, 438 F.2d 86, 3 FeP 137 (4th Cir. 1971) the following two company recruitment practices, among others, were found unlawful: (1) in filling vacancies, after according priority to applicants with experience, the company gave priority "to an applicant who has a relative then working at the plant"; and (2) walk-in applications were unlikely to receive favorable considerations unless the application was renewed every two weeks, and only applicants with friends in the plant knew about the necessity for renewal. Here, KFUEO's word of mouth recruitment practices operated to exclude minorities.

**Religion**

Section 702 of Title VII exempts religious organizations from the statutory prohibition against discrimination in employment on the basis of religion. Corporation of the Presiding Bishop of the

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Church of Jesus Christ of Latter Day Saints v. Amos, 483 U.S. 327 (U.S. 1987). After serving 16 years as a janitor in a gymnasium owned and operated by a private non-profit corporation established by the Mormon Church, an employee was discharged after failing to secure certificates showing that he was in good standing with the Mormon Church. The Court found that Section 702 applied to these circumstances because the Church considered that operation of the gymnasium was a "religious activity" and was expressive of the Church's religious values.

The employer in this case has not contended that membership in the Lutheran Church is a prerequisite to employment. In fact, the radio station has employed individuals who are not members of the Lutheran faith. Thus, even if the KFUD were to invoke the religious exemption, the evidence demonstrates that this requirement was not applied to all the employees that were hired.

In reality, the numerous references to Lutheran values and the principles of the Missouri Synod in the job descriptions would operate to discourage members of racial minorities from seeking employment. Code words like these are often intended to screen out minorities. This, of course, is direct evidence of intentional discrimination. An example of this occurred in New York when four Manhattan agencies were charged with using code words to screen out unwanted applicants from protected groups:

Personnel counselors at the agencies typically used code words like "six" to indicate a black applicant, "half-six" to describe male Hispanic applicants, and several other catch phrases to describe other applicants. Older applicants were classified by one agency with the phrase, "too much mileage." In some cases, employers

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conveyed the message to the agencies that white applicants were preferred with classifications like "all-American," "front-office appearance," "mom and apple pie" and "corporate image."

New York Sues Job Agencies in Bias Case, N.Y. Times, Sept. 29, 1989, at B1. See also, U.S. Official Accuses 2 Companies of Bias, N.Y. Times, June 1, 1989, at A16.

The record, at best, indicates that KFUD assumed that there were no "qualified" minorities and therefore it failed to make efforts to recruit them. This by itself violates the FCC's regulations. Moreover, the record indicates that the "qualifications" were in fact pretextual. It would appear that the "special employment needs of KFUD" -- classical musical training or a Lutheran Theological background -- are merely artificial and unnecessary barriers to employment which operate invidiously to discriminate on the basis of race.

  
Leland Ware  
June 16, 1994

RESUME

Leland Ware  
6348 Washington Ave.  
St. Louis, MO 63130  
(314) 658-2751

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Employment Background:

July 1994 to present	Professor St. Louis University School of Law (St. Louis, MO)
July 1991 - June 1994	Associate Professor
July 1987 - June 1991	Assistant Professor
January 1992 - June 1992	Visiting Professor Boston College Law School (Newton, MA)

Courses Taught: Administrative Law, Civil Procedure, Employment  
Discrimination Law, Employment Law, and Civil Rights

October 1984 - June 1987	University Counsel for Litigation Howard University (Washington, D.C.)
April 1979 - October 1984	Trial Attorney, United States Department of Justice, Civil Division (Washington D.C.)
September 1976 - April 1979	Assistant Regional Attorney Department of Health Education and Welfare (Atlanta, GA)
1975 - 1976	Hill, Jones & Farrington (Atlanta, GA) Associate Attorney
1973 - 1975	Wyatt and Associates (Atlanta, GA) Associate Attorney

Educational Background:

Law School                      Boston College Law School,  
Boston, Massachusetts  
Degree awarded - J.D., 1973  
Honors: Full tuition scholarship

Undergraduate                  Fisk University  
Nashville Tennessee  
Degree award - B.A., History, 1970

Bar Memberships - Star Bar of Georgia, 1973;  
District of Columbia Bar, 1985.

Also admitted to practice in the United States Court of Appeals for  
the Fourth, Fifth, Eleventh and District of Columbia Circuits.

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Publications:

- Article: The Most Visible Vestige: Black Colleges After Fordice, 35 Boston Coll. L. Rev. 633-680 (1994).
- Article: Will There Be A "Different World" After Fordice, 80 Academe 6 (May/June 1994).
- Article: New Weapons for an Old Battle: The Enforcement Provisions of the 1988 Amendments To The Fair Housing Act, 7 Admin. L.J. Am. U. 59-119 (1993).
- Article: Resurrecting Racial Barriers, 38 Loyola L. Rev. 39-60 (1992).
- Article: The Civil Rights Act of 1990: A Dream Deferred, 10 St. Louis U. Pub. L. Rev. 1-64 (1991).
- Article: A Remedy for the Extreme Case: Affirmative Action After Croson, 55 M. L. Rev. 632 (1990). (Awarded the Thompson & Mitchell award for best faculty article in 1991.)
- Article: Invisible Walls: An Examination of the Legal Strategy of the Restrictive Covenant Cases, 67 Washington University Law Quarterly No. 3, pp. 737-772 (1989).
- Article: Some Reflections on the Chronicles, 34 St. Louis University Law Journal 407-411 (1990).
- Article: A Difference In Emphasis: Charles Houston's Transformation of Legal Education, 32 Howard Law Journal 479-492 (1990).
- Article: Affirmative Action After Croson, 46 Journal of the Missouri Bar 101 (1990) (awarded special recognition by the Missouri Bar in 1991).
- Article: Contributions of Missouri's Black Lawyers to Securing Equal Justice, 45 Journal of the Missouri Bar No. 4, pp. 251-262 (1989). (awarded special recognition by the Missouri Bar in 1990)
- Book Review: Emancipation: The Making of the Black Lawyer 1844-1944 (Smith) 37 Howard Law Journal 105-115 (1994).
- Book Review: Academics In Court: The Consequences of Faculty Discrimination Litigation (La Noue & Lee) 22 Suffolk University Law Review No. 4, pp. 1316-1337 (1988).
- Book Review: The Tenth Justice: The Solicitor General and The Rule of Law (Caplan) 33 St. Louis University Law Journal 1129-1136 (1989).
- Title VII's Protections Against Sexual Harassment In the Workplace, National Bar Association Magazine Vol. 2 Nos 4 & 5, September, 1988.

Shelley v. Kraemer and The Restrictive Covenant Cases, National Bar Association Magazine Vol. 2 No. 8, December, 1988.

Newspaper Reviews and Editorials

"The Long Fight for Civil Rights", reviewing Mary F. Berry, Black Resistance White Law: A History of Constitutional Racism in America, St. Louis Post-Dispatch, May 22, 1994.

"Victim of Partisan Politics," reviewing Lani Guinier, The Tyranny of the Majority, St. Louis Post-Dispatch, March 27, 1994.

"Proud Legacy," reviewing J. Clay Smith, Emancipation: The Making of the Black Lawyer 1844-1944, St. Louis Post-Dispatch, October 3, 1993.

"Genius In Motion," reviewing David L. Lewis, W.E.B. DuBois: Biography of a Race, St. Louis Post-Dispatch, December 12, 1993.

"Double Jeopardy v. Double Standard," St. Louis Post-Dispatch, May 14, 1993. (Double Jeopardy and the Rodney King prosecutions)

Other Academic Activities:

<u>Activity</u>	<u>Nature of Involvement</u>
1. Conference: <u>Shelley v. Kraemer</u> . St. Louis University Law School September 1988.	Presenter
2. Symposium: <u>Shelley v. Kraemer</u> . Washington University Law School September 1988.	Presenter
3. American Association of Law Schools Education Law Section, AALS Annual Meeting, January 1988	<u>Panelist:</u> Discriminatory Implica- tions of Teacher Competency Examinations.
4. Southern University Law Center, Baton Rouge LO, February 1989 (CLE)	<u>Presenter:</u> Sexual Harassment in the Workplace
5. St. Louis University Law School Center For Employment Law March 3, 1989 (CLE)	<u>Presenter/Moderator:</u> Employment Discrimi- nation Program
6. Region III CLEO Program July 5-July 14, 1989 University of Missouri- Columbia School of Law	Faculty Member
7. Annual NAACP CLE Seminar Detroit, Michigan July 8, 1989	<u>Presenter:</u> Minority Set-Aside Programs After <u>Croson</u>
8. Annual Meeting of the Missouri Bar Association, Kansas City, Missouri September 21, 1989	<u>Presenter:</u> Labor Law Section; Recent Developments In Employment Affir- mative Action Programs
9. Washington Bar Association Ollie Cooper Award Ceremony Washington, D.C. October 1989	Delivered The Annual Lecture
10. Conference: The Elusive Quest for Racial Justice St. Louis University Law School October 1989	<u>Presenter:</u> Affirmative Action After <u>Croson</u>

Activity

Nature of Involvement

11. Annual Meeting American Association of Law Schools 1990, San Francisco California

Presenter:  
Minority Section  
Program: Race-Conscious Remedies  
Program Co-Chair

12. Mound City Bar CLE Program May, 1990

Presenter:  
Affirmative Action  
After Croson

13. CLE Program for Clerks and Staff Attorneys 8th Circuit Court of Appeals, January 1991

Presenter: Regulating Hate Speech on Campus

14. Speakers Program, University of Missouri-St. Louis, April 1991

Regulating Hate Speech on Campus

15. AALS Minorities Section Meeting, New Orleans, LA September, 1991

Presenter:  
Resurrecting Racial Barriers: Update on Patterson and Ward's Cove

16. American Association of Law School Annual Meeting San Antonio, Texas January 1992

Panelist:  
Law and Education Section Program

17. Annual Meeting National Bar Association July, 1992, St. Louis, MO

Panelist:  
1) Update on Civil Rights Act of 1991  
2) Enforcement Provi- of Federal Fair Housing Act

18. Annual Meeting at the American Association of Law Schools San Francisco, California January, 1993

Moderator & Coordinator:  
Law and Education Section Programs: Diversity Desegregation and Affirmative Action in Higher Education

19. Annual Meeting Midwestern Scholars of Color Cleveland, Ohio March 1993

Moderator of Panel Discussion

20. St. John's University School of Law April, 1993

Presentation to Faculty:  
Desegregation in Higher Education

Activity

Nature of Involvement

- |   |  |
|---|--|
| 21. Annual Meeting of the Society of Black Lawyers of England and Wales<br>Reading, England<br>July, 1993 | <u>Presentation:</u><br>Hate Speech and Hate Crimes in the United States, a Legal Analysis |
| 22. Midwestern Scholars of Color Annual Conference<br>Columbia, Missouri<br>March, 1994                   | <u>Presenter:</u><br>The Future of Black Colleges  |
| 23. CLE Program For Law Clerks and Staff Attorneys, 8th Circuit Court of Appeals                          | <u>Presenter:</u><br>The Future of Black Colleges  |

Community Service and Professional Organizations:

1. Member-at-Large, National Board of the American Civil Liberties Union since 1992.
2. Member of the Board of Trustees of the American Civil Liberties Union Eastern Missouri.
3. Chair, American Association of Law Schools, Law and Education Section 1992-1993.
4. Member of the American Association of Law Schools Minority Section Advisory Committee 1989-1990.
5. Consultant to the Administrative Conference of the United States 1991-1992. (prepared a study of the enforcement mechanism created by the 1988 Amendments to the Fair Housing Act.)
6. Member of the Board of Editors, Missouri Bar Journal since 1990.
7. Member Mound City Bar Association.
8. Member of the Merit Selection Panel for U.S. Magistrate Eastern District of Missouri 1989-1990.
9. Member of the National Bar Association.
10. Served as volunteer counsel for the NAACP in Roberts v. Wamser (voting rights) and NAACP v. Hunt (challenge state of Alabama's display of Confederate flag).
11. Member, Executive Committee, Faculty Senate

NAACP EXHIBIT 7

<u>Federal Communications Commission</u>	
Docket No.	<u>94-10</u> Exhibit No. <u>7</u>
Presented by	<u>NAACP</u>
Disposition	Identified <u>6/21</u>
	Received <u>6/21</u>
	Rejected _____
Reporter	<u>BARBARA LORO</u>
Date	<u>6/21/94</u>