

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 Bathrop.

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.

Musie! 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.



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 Musie

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

John D. Levy 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.



(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.

NAACP EXHIBIT 6

<u>Federal Communications Commission</u>	
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>

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, KFUE'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

5

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 KFUC 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

6

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 KFUCO 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 KFUCO" -- 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

7

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
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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.

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:

Activity

Nature of Involvement

1. Conference: Shelley v. Kraemer.
St. Louis University Law School
September 1988.

Presenter

2. Symposium: Shelley v. Kraemer.
Washington University Law School
September 1988.

Presenter

3. American Association of Law
Schools Education Law Section,
AALS Annual Meeting, January 1988

Panelist:
Discriminatory Implica-
tions of Teacher
Competency Examinations.

4. Southern University
Law Center, Baton Rouge
LA, February 1989 (CLE)

Presenter:
Sexual Harassment in
the Workplace

5. St. Louis University
Law School Center
For Employment Law
March 3, 1989 (CLE)

Presenter/Moderator:
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

Presenter:
Minority Set-Aside
Programs After Crosby

8. Annual Meeting
of the Missouri Bar
Association, Kansas
City, Missouri
September 21, 1989

Presenter:
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

Presenter:
Affirmative Action
After Crosby

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 Crosby

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
Reading, England
July, 1993 | <u>Presentation:</u>
Hate Speech and Hate Crimes in the United States, a Legal Analysis |
| 22. Midwestern Scholars of Color Annual Conference
Columbia, Missouri
March, 1994 | <u>Presenter:</u>
The Future of Black Colleges |
| 23. CLE Program For Law Clerks and Staff Attorneys, 8th Circuit Court of Appeals | <u>Presenter:</u>
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 LOPP</u>
Date	<u>6/21/94</u>

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DECLARATION OF JAN HUTCHINSON

I, Jan Hutchinson, respectfully state as follows.

1. I am a resident of Manchester, Missouri in St. Louis County. I have been a Manchester, Missouri resident since January, 1986. Professionally, I am a Vice President/General Manager for P&C Media, a national transit advertising company headquartered in Langhorne, Pennsylvania. I am the Chairman of the Public Relations Committee for the Tree of Lights Campaign with The Salvation Army. I also serve on the Mayor's Task Force to reduce drugs and crime in the City of St. Louis.

2. Before coming to P&C Media to work in the transit advertising industry, my career jumped to a headstart with my first position in the radio business at KSHE in 1978. I was a copy writer and production assistant. In 1982 I moved to KADI as Production Director and Public Service Manager. In 1983, I worked for Contemporary Productions, the Midwest's largest concert promoter, on an international radio contest program. After a brief rest from the fast paced position at Contemporary Productions I sought a sales position in radio. My first Account Executive position was with KFUE-FM in 1984. KFUE-FM has only been a commercial station since 1982. The General Sales Manager Tom Jackson, hired me to cover local sales. I had previous sales experience in the photographic field so with my radio background in production, I was able to realize quick success in selling the classical music format, even though I had no classical music knowledge. Radio is radio, no matter what the programming format. After about a year, Tom Jackson left KFUE-FM and I remained in my position handling all commercial sales for the station for almost a full year. Even though this was my first radio sales position, I was able to make a very nice living with the highest annual income I had ever experienced thus far in the radio industry. I applied for the position of General Sales Manager after having held that position for quite some time. However, an older gentleman was hired even though he had no radio background whatsoever. Bern Hentz didn't last long in that position, he did hire two other women, Judy Mc Murtry, who also had no prior radio experience. And Beverly Brandt who was fresh out of college and had completed an internship at Kenrick Advertising. To my knowledge, neither had classical music training or sales experience.

A new manager was found, Tom Lauher, who I had been acquainted with during my years at KSHE. Tom did not have a radio background either, but had owned an advertising agency, Eastman-Lauher. Beverly and Judy moved on to other positions outside the radio industry and Tom hired several new Account Executives. Tom Koon, Jr. had some sales experience but was very young. Tom Koon's father had radio experience, so Tom knew a little about the industry. Charlotte Akin was a very young woman who had only worked as a waitress and had no direct sales experience. The only qualified sales person hired was Cari Perez who had worked in the television industry in Miami. Of these three new employees, I don't believe anyone had any sort of classical music training. Working conditions deteriorated as the new management forced stiff rules upon the sales staff. Daily call reports were mandatory. Daily sales meetings were also the new order of the day.

As working conditions worsened, so did moral. It was becoming very obvious that Tom Lauher wanted me to leave. His patience was so short, he even resorted to foul language and name calling directed at me. He threatened to fire me and I don't know why he didn't, but his hatred was so strong that I began searching for a new position at every opportunity. Tom continued to belittle me and curse at me during sales meetings, in the hall ways, even while I sat at my desk. The entire sales staff overheard most of his foul language which embarassed me on several occasions. I felt it was my responsibility to bring Tom's unprofessional behavior to the attention of upper management at the owners level. I wrote to Paul Devantiere on several occasions describing Tom's verbal abuse and my dismay at the religious ties the station held. Upper management took no action with Mr. Lauher, to my knowledge.

Finally in 1988, I found an Account Executive position at KXOK/KLTH and I moved on to work in a more professional atmosphere where I could be more productive. KXOK/KLTH was sold a year later and I landed the General Sales Manager position at WIBV. I knew I would never have an opportunity for advancement into management at KFUD, so it was best for me to make a latteral move to KXOK/KLTH and forget the verbal abuse and embarrassment in order to get on with my career. I stayed in radio until 1991 when I found my current position in transit advertising.

I worked at eight radio stations in a fourteen year period, each with a different format; rock, classical, talk, jazz, even country. Radio is radio, if you can sell the intangible "air" you can sell anything. /I learned how to be a better person by Tom Lauher's horrible example. But I never could figure out why a religiously owned radio station would allow such unproductive, unprofessional behavior to exist within one of their divisions.

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: May 31, 1994

 5/31/94
 Jan Hutchinson

Leonard Slatkin, Music Director and Conductor
David Hyslop, Executive Director

The Saint Louis Symphony Society
Operating The Saint Louis Symphony Orchestra,
The Saint Louis Symphony Chorus
& Powell Symphony Hall.

August 26, 1988

3

Jan Hutchinson
Classic 99/KFUO-FM
85 Founders Lane
St. Louis, MO

Dear Jan:

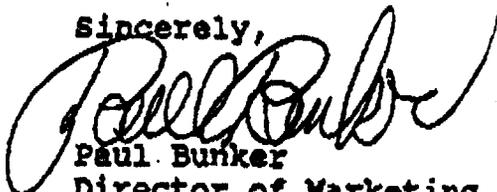
Please accept my sincere thanks for all your hard work that made our open house such an overwhelming success! During the 11 hour period, we sold \$21,000 in season and single tickets; that is a 34% increase over what we brought in during last year's open house.

What's even more impressive is the fact that we sold \$5,000 worth of tickets during the normally slow period between 2:00 p.m. and 4:00 p.m. The sales during those two hours can be directly related to the excellent promotions KFUE provided during that time period.

The Symphony is deeply indebted to you and KFUE for your outstanding efforts and cooperation. Thank you for making our open house so successful.

As promised, I have enclosed the information sheets on the prize winners.

Sincerely,



Paul Bunker
Director of Marketing
and Public Relations

PB/bj

Enclosures

Saint Louis Symphony Orchestra

POWELL SYMPHONY HALL AT GRAND CENTER
714 NORTH GRAND BOULEVARD, ST. LOUIS, MISSOURI 63103
PHONE: (314) 533-2500
TELEX: 434450 STLSYMORCH STL

Leonard Slatkin, Music Director and Conductor
David Hyslop, Executive Director

The Saint Louis Symphony Society
Operating The Saint Louis Symphony Orchestra,
The Saint Louis Symphony Chorus
& Powell Symphony Hall.

4

August 30, 1988

Tom Lauher
Classic 99/KFUO-FM
85 Founders Lane
St. Louis, MO 63105

Dear Tom:

I realize I don't have to tell you this, but you should be very proud of Classic 99 and the fine people who work so diligently for the station.

The results of our recent open house are the results of a comprehensive promotional effort that relied heavily upon Classic 99's impressively loyal listenership. The open house earned an impressive 34% in season ticket income over last year during the 11-hour event. What is really astounding is the fact that we sold \$5,000 in tickets during the normally "dead" sales period between 2:00 p.m. and 4:00 p.m. The only reason we sold tickets during that time can be directly related to the excellent promotions that Classic 99 offered during that time slot. Joe Niehoff really went out of his way to make that two-hour period profitable, and it paid off handsomely.

The other people on your staff who gave so much for this effort need to be mentioned. This includes Bob Evans, John Clayton, John Roberts, and Jan Hutchinson. Without their assistance and support I can honestly say that the open house would not have been nearly so successful.

Once again, many thanks to you and Classic 99 for assisting the symphony in such an important way.

Sincerely,



Paul Bunker
Director of Marketing
and Public Relations

PB/bj

JAN HUTCHINSON

September 2, 1988

(5)

Mr. Tom Lauher
KFUO-FM
85 Founders Lane
Clayton, MO. 63105

Dear Tom:

In light of the current account switching, I'd like to make my feelings known. I have expended my own time and money to develop numerous accounts now missing from my list. If in any way I was not performing on those accounts at an appropriate level, you should have helped me correct the situation. Instead you and Bill decided to reduce my income by creating drastic changes in my account list. I received little or no explanation as to why those currently billing accounts were taken away and new non-billing accounts were given to me. This lack of communication about managements perception of a client's status undermines any sales persons desire to build accounts.

Over the course of the past year it's been increasingly frustrating due to the type of supervision I have received. In many instances members of management, including the Program Director, have gone out of their way to reduce my efforts to be an ethical and professional sales person. I have tried to overlook the way you have resorted to screaming, foul language and derogatory comments. These actions have also been a detriment to others in the sales department and they also have complained. In some cases I responded to your management tactics in a negative way and if in any way I have added to the frustration that was put upon me, I apologise.

The reduction in my income over an arbitrary decision is absolutely unfair. This is not the kind of unprofessional management I wish to be a part of. The environment here has declined continually during the past year. These demotivating circumstances are not acceptable or profitable.

During my time here I have given 100% and feel that in many ways it was not returned to me nor appreciated. I have served in this position for a total of three years with an excellent attendance record taking only one week for vacation and only a few full days off due to illness. I have provided a major contribution towards the stations income when there was no management. I personally produced half of last fiscal years income. Since you state "that is not good enough", I have secured a new position.

I expect to receive my commissions in full for the accounts I have contractually completed. My date of resignation will take effect

Saint Louis
Commercial Architects

POWELL SYMPKONY HALL AT GRAND CENTER
718 NORTH GRAND BOULEVARD, ST. LOUIS, MISSOURI 63102

JAN HUTCHINSON

September 2, 1988

Mr. Tom Lauher
KFUO-FM
85 Founders Lane
Clayton, MO. 63105

Dear Tom:

In light of the current account switching, I'd like to make my feelings known. I have expended my own time and money to develop numerous accounts now missing from my list. If in any way I was not performing on those accounts at an appropriate level, you should have helped me correct the situation. Instead you and Bill decided to reduce my income by creating drastic changes in my account list. I received little or no explanation as to why those currently billing accounts were taken away and new non-billing accounts were given to me. This lack of communication about managements perception of a client's status undermines any sales persons desire to build accounts.

Over the course of the past year it's been increasingly frustrating due to the type of supervision I have received. In many instances members of management, including the Program Director, have gone out of their way to reduce my efforts to be an ethical and professional sales person. I have tried to overlook the way you have resorted to screaming, foul language and derogatory comments. These actions have also been a detriment to others in the sales department and they also have complained. In some cases I responded to your management tactics in a negative way and if in any way I have added to the frustration that was put upon me, I apologise.

The reduction in my income over an arbitrary decision is absolutely unfair. This is not the kind of unprofessional management I wish to be a part of. The environment here has declined continually during the past year. These demotivating circumstances are not acceptable or profitable.

During my time here I have given 100% and feel that in many ways it was not returned to me nor appreciated. I have served in this position for a total of three years with an excellent attendance record taking only one week for vacation and only a few full days off due to illness. I have provided a major contribution towards the stations income when there was no management. I personally produced half of last fiscal years income. Since you state "that is not good enough", I have secured a new position.

I expect to receive my commissions in full for the accounts I have contractually completed. My date of resignation will take effect immediately.

Federal Communications Commission

Docket No. 94.10 Exhibit No. 7096

Presented by N.A.C.8

Disposition { Identified 6.23.94
Received 6.23.94
Rejected _____

Reporter G. W. Smith

Date 6.23.94

JAN HUTCHINSON

September 2, 1988

Rev. Paul Devantier
Lutheran Church Missouri Synod
1333 South Kirkwood Road
St. Louis, MO. 63122

Dear Paul:

I am sorry to have to leave KFUCO-FM but my enclosed resignation clearly states some of the problems that exist at the station. The comments are true and not exaggerated. There are witnesses to the unfair treatment that I and others continually receive.

I had great hopes for the station's success and was determined to be a part of it. However, it is now impossible for me to continue to tolerate the unprofessional management which also includes the head of the programming department.

I have been in the St. Louis radio market over ten years and have never seen such disrespectful treatment. KFUCO-FM is owned by the Lutheran Church which makes me wonder how these people can get by with being so unkind, using foul language and screaming at another human being.

I have had many ideas on how to make improvements at KFUCO-FM, but because I do not hold a management position, I have been ridiculed and laughed at. My ten years experience are in the radio industry, not a related business. Ten years is a long time and I deserve respect and consideration for that accomplishment.

I wish you luck in your endeavor to make KFUCO-FM successful. - I do not believe that will be possible under the current management.

Regards, My Very Best Regards
Jan Hutchinson
Jan Hutchinson