

The Commission's April 22, 1992 letter of inquiry requested specific information detailing when KFUD contacted certain recruitment sources and for which specific positions. The letter did not limit the request only to those positions for which hires were ultimately made.

The following provides the requested information concerning Tom Lauher:

- A. Hired May 14, 1987
- B. Full-time Position
- C. Of approximately 20 resumes received, four people were selected for interviews: three white males and one white female. The race and gender of the other applicants is unknown.
- D. Source: Broadcasting Magazine.
- E. It is extremely valuable for the station manager for KFUD-FM to have knowledge of classical music. Mr. Lauher possesses this expertise.

3. Information on Reverend Otis Woodard:

Reverend Otis Woodard, a black Lutheran minister, operates an outreach ministry in the inner city of St. Louis. KFUD has had contact with Reverend Woodard over a number of years, promoting his services and requesting donations for his work. KFUD does an annual drive for food and clothing for Reverend Woodard's ministry.

As part of the stations' EEO outreach program, Reverend Woodard has been contacted each year since 1988 and asked to send qualified candidates to the stations so we may have their resumes on file. Over the years, Reverend Woodard has sent two or three persons to the stations. Each has come to the station at a time when the station was not undertaking any hiring, and none of the individuals who submitted resumes possessed skills needed for subsequently available positions.

4. 1984 Black employee in full-time upper-level positions.

Name: Lula Daniels

- A. Hired September 1, 1969
- B. Position: Coordinator of Worship Programming
- C. Termination: Died April 17, 1985
- D. The position required knowledge of Lutheran practices and procedures.

**Federal Communications Commission**

Docket No. \_\_\_\_\_ Exhibit No. \_\_\_\_\_

Presented by \_\_\_\_\_

Disposition	}	Identified	✓ 6/20/94
		Received	✓ 6/20/94
		Rejected	_____

Reporter \_\_\_\_\_

Date \_\_\_\_\_

m  
m  
B  
E  
X.  
10

MASS MEDIA BUREAU  
EXHIBIT NO. 10

David L. Homig

Attorney at Law  
1800 N.W. 187th Street  
Miami, Florida 33056

RECEIVED

FCC

SEP -2 1992

SEP 4 1 34 PM '92 FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Licensed in D.C. only

EEO BRANCH

Telephone (305) 628-3800  
Telecopier (305) 628-3700

September 1, 1992

Glenn Wolfe  
Chief  
EEO Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street N.W.  
Washington, D.C. 20554

Dear Mr. Wolfe:

RE: Application for Renewal of License of KFUE-AM-FM, Clayton, MO

This letter will comment on the record compiled as a result of the NAACP's January 2, 1990 Petition to Deny the above-referenced applications, including KFUE's responses to the Commission's Bilingual inquiries. If leave to file this letter is required, the same is respectfully requested.

The entire record demonstrates that these applications must be set for hearing to determine whether KFUE deliberately discriminated against Blacks during the past license renewal term.

The licensee's discriminatory practices are manifested in the following five ways.

1. Extremely low minority employment. These facts were documented in the Petition to Deny and are incorporated by reference here.

2. Near absence of minority recruitment activity. These facts were also documented in the Petition to Deny and are incorporated by reference here. In addition, minority recruitment sources were only used for low status positions. According to KFUE's May 12, 1992 Response to the Commission's second Bilingual letter identifies numerous high status positions (e.g. General Manager, Program Director, Sales Manager) for which applicants from nonminority sources were solicited. Id. at 2-3. However, the St. Louis American, the St. Louis Argus, and the Metro Sentinel were used only for the Secretary/Receptionist and Maintenance Worker positions open in January, 1990 -- immediately following the filing of the Petition to Deny. This suggests that KFUE has inherently deemed only those types of jobs suitable for minorities, and has decided that minorities do not need to learn of openings for higher status positions. See Rust Communications Group, Inc. (HDO), 53 FCC2d 355 (1975). It also suggests that even the filing of a petition to deny has not been sufficient to make this licensee conscious of its responsibility to recruit minorities even in subordinate positions. Cf. NBMC v. FCC, 775 F.2d 342 (D.C. Cir. 1985).

3. Discriminatory use of religion as false bona fide occupational qualification (BFOQ). KFUC's February 23, 1990 Opposition to the Petition to Deny represents that seventeen jobs open from 1986 through 1989 required either classical music or theological training. Opposition at 8-9. KFUC states that even its salespeople are expected to have classical music training, without explaining why a salesperson without such training cannot sell airtime effectively. Id. at 9 n. 4. The NAACP knows of no other radio station in the country which requires its salespersons to have special expertise in the station's format. KFUC also states, without any documentation whatsoever, that "relatively few minorities in the St. Louis area possess these skills." KFUC adds that only 5% of St. Louis area Lutherans are members of minority groups, implying that not only must certain positions be filled with persons with theological training, that training must specifically be in the Lutheran denomination. Id. KFUC does not explain why Lutheran training, (as opposed to Baptist or Methodist training, for example) is a BFOQ for work at a classical formatted station. KFUC does not provide documentation showing that it has never hired non-Lutherans or persons without classical music training for positions such as those at issue here. Furthermore, as Attachment 1 to KFUC's Opposition, KFUC supplies a typical recruitment letter seeking job applicants. That letter makes no mention of any supposed requirement that applicants be Lutherans, possess theological training, or possess classical music training. These facts suggest that at least some of the following are true:

a. If KFUC's claimed requirements of theological or classical training are false, they are a pretext for discrimination and further indicate that KFUC has committed material misrepresentations to the Commission.

b. If KFUC genuinely does require theological training, or specifically Lutheran training, such requirement is inherently discriminatory and is grounds for nonrenewal of the licenses. See King's Garden, Inc. v. FCC, 498 F.2d 51 (D.C. Cir. 1972).

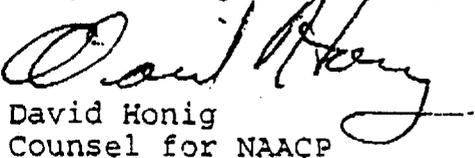
c. If KFUC genuinely does require classical music training, such requirement is also inherently discriminatory without a showing of need for such training for such positions as salespersons, representing further grounds for nonrenewal of the licenses.

4. Heavy recruitment use of educational institution with almost no Black students. KFUC admits that its primary source for referrals is Concordia Seminary. Id. at 12. Concordia's 482 students include only three Blacks. Id. at 10.

Glenn Wolfe  
September 1, 1992  
Page Three.

5. Misrepresentation in renewal application. KFUCO's renewal application stated that "six persons, two white males and four white females" were hired from October 1, 1988 through September 30, 1989. Actually, fourteen persons were hired during that time. See KFUCO Response to third Bilingual letter, July 13, 1992. The discrepancy is substantial. It could not have been an accident, inasuch as the renewal application went so far as to purport to specify how many males and how many females supposedly were hired. The stations had but 26 fulltime and 14 parttime employees. Therefore, the licensee's President, who filled out the renewal application, should have known that the numbers were false. Finally, the error was very much in the licensee's favor, inasmuch as public perception that only six hiring opportunities occurred would have discouraged potential petitioners to deny who might have thought that number to be statistically insignificant. Therefore, all of the components of disqualifying misrepresentations -- substantiality, deliberateness, and motivation -- were present here. Especially when combined with KFUCO's questionable representations about BFOQs, a misrepresentation issue should be designated along with an EEO issue.

Respectfully submitted,

  
David Honig  
Counsel for NAACP

cc: Marcia Cranberg, Esq.

/dh

M  
M  
B  
E  
X.  
11

Federal Communications Commission	
Docket No. _____	Exhibit No. _____
Presented by _____	
Disposition	Identified ✓ 6/20/94
	Received ✓ 6/20/94
	Rejected _____
Reporter _____	
Date _____	

MASS MEDIA BUREAU  
EXHIBIT NO. 11

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED  
SEP 21 1992  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re:	)	FCC File Nos.
Applications for Renewal	)	BRH-890929VB
of License of:	)	and
	)	BR-890929VC
The Lutheran Church/Missouri Synod	)	
KFUO-AM/FM, Clayton, Missouri	)	
	)	
TO: THE CHIEF, MASS MEDIA BUREAU	)	

MOTION TO STRIKE AND REPLY TO COMMENTS

THE LUTHERAN CHURCH/MISSOURI  
SYNOD  
  
Marcia Cranberg  
  
ARNOLD & PORTER  
Suite 4000  
1700 Lincoln Street  
Denver, Colorado 80203  
(303) 863-2314  
  
Its Attorneys

September 21, 1992

1

TABLE OF CONTENTS

	<u>Page</u>
I. GROUND FOR STRIKING UNAUTHORIZED COMMENTS...	1
II. THE GROUNDS ON WHICH THE NAACP SEEKS RELIEF ARE WITHOUT MERIT.....	3
A. KFUE's Level of Minority Employment.....	3
B. Minority Recruitment Activity.....	5
C. Hiring of Persons with Specialized Skills .....	11
D. Role of Seminary Students.....	14
E. Misrepresentation Issue.....	15

## SUMMARY

The NAACP has filed a pleading which is two and one-half years late. It does not allege any new facts or changed circumstances, and should be stricken from the record so as to preclude further delays in this proceeding.

In the event KFUE's request to strike is not granted, KFUE hereby replies:

The NAACP claims that KFUE (licensee of a Lutheran religious-format AM station and a classical music FM station) has intentionally discriminated against blacks and has made misrepresentations to the Commission. There is no basis in the record to support these allegations.

When KFUE first opposed the NAACP's Petition to Deny, KFUE provided a detailed analysis of its minority employment profile. This included a showing that the NAACP had misrepresented the contents of KFUE's Annual Employment Reports; that the Reports themselves failed to account for certain minority employees at KFUE; that given KFUE's performance and the extremely small station size, it is impossible to reach meaningful statistical judgments in this case; and that because nearly all of KFUE's hiring opportunities were for positions requiring specialized knowledge about classical music or Lutheran

theology, reliance upon statistics showing the availability of minority persons as a whole, by definition overstates the number of minority persons with the requisite specialized training. The NAACP has not responded to or rebutted any of these points.

The NAACP claims that KFUE only employed meaningful recruitment efforts for lower-level positions. The record quite simply does not substantiate this allegation. In addition to other recruitment efforts, KFUE advertised Top-Four job positions with: its headquarters (which has an 11 percent minority staff); the Lutheran Employment Project, an organization designed to enhance minority employment opportunities; the St. Louis Broadcast Center, located in the heart of St. Louis; the St. Louis Sun, St. Louis' largest newspaper, with a significant black readership; a black Lutheran minister who operates an outreach ministry; several local universities, many with significant minority enrollments; and Broadcasting Magazine.

The NAACP surmises, without providing evidence in support, that KFUE has been untruthful in advising the Commission that many of the job positions at its stations require specialized religious or musical training, arguing that this is just a pretext for avoiding the hiring of minority applicants. KFUE has

supplied additional information about its programming and about general practice among classical music stations in order to enhance the Commission's understanding of its employment needs. The NAACP also states that a requirement that certain employees possess a particular theological training (KFUO has such a requirement for some employees at its religious format station) in and of itself warrants nonrenewal of the broadcast license. The very case cited by the NAACP, however, supports precisely the opposite proposition, so long as the requirement pertains only to employees whose work is connected with the espousal of the licensee's religious views. KFUO's does.

The NAACP improperly states that KFUO makes most of its hires through the Lutheran Seminary on whose grounds KFUO is located free-of-charge. In fact, the record shows that only five of 35 full-time positions were filled during the license period with Seminary students. KFUO creates several part-time announcing positions on its religious station -- requiring knowledge of Lutheran theology -- in order to provide further theological training to Seminary students.

Finally, the NAACP makes the preposterous claim that an error KFUO made, before the Petition to Deny was filed, in calculating the number of employees it had hired in a single year of its license term, which error

was corrected before any question was raised about it (KFUO confused its net gain in employees for a certain year with the total employees hired that year), was intentional, and warrants designation of a misrepresentation issue against KFUO. Unless the Commission were to adopt a policy of presuming misrepresentation each and every time an error occurs, it would be inappropriate to designate one here. No evidence whatever exists to suggest that this was other than an honest and quite understandable mistake.

6



the KFUE license renewal applications. KFUE timely opposed the Petition to Deny in February 1990. KFUE made additional filings with the Commission in May and July of this year to respond to further Commission inquiries pertinent to the stations.

The NAACP failed to reply to KFUE's Opposition to Petition to Deny within the 30-day deadline established by FCC rules. Nor did the NAACP file any comments with respect to KFUE's supplemental filings, the most recent of which was made over two months ago. Now, more than two and one-half years after the NAACP's Reply to KFUE's Opposition to Petition to Deny would have been due, the NAACP has interposed unauthorized comments in this proceeding replying in part to KFUE's Opposition.

If the NAACP's comments are afforded consideration, the Commission will have created a precedent which permits Commission time and resources to be squandered on a record which, through the filing of unauthorized, late pleadings, is thereafter rendered obsolete and irrelevant. The NAACP has not brought any new facts to the Commission's attention. In such circumstances, there must be a point at which a record is closed so that a timely resolution of pending disputed matters may be accomplished.

It is also a matter of basic fairness. To permit filings such as these would subject licensees in KFUE's

position -- KFUE's license renewal application has been pending for three years -- to yet further delays. Such delays are by their nature inimical to the public's interests in the timely resolution of proceedings before the Commission.

II. THE GROUNDS ON WHICH THE NAACP SEEKS RELIEF ARE WITHOUT MERIT

The NAACP for the first time makes the serious charge that KFUE has intentionally discriminated against Blacks, and that KFUE has made misrepresentations before the Commission. In support of its claim, it raises five separate points, each of which has either already been raised and responded to by KFUE, or is premised upon misrepresentations or exaggerations of the record in this proceeding. KFUE responds to each seriatim.

A. KFUE's Level of Minority Employment

The NAACP conclusorily asserts, without more, that during its license term KFUE had "extremely low minority employment". KFUE devoted seven pages of its Opposition to the NAACP's Petition to Deny discussing its minority employment figures. It is curious that, other than simply repeat its assertion that the stations' minority employment was low, the NAACP has not

otherwise responded to or rebutted KFUE's detailed discussion of its employment profile in any way.

KFUE's Opposition pointed out that the NAACP's Petition to Deny had misrepresented the number of minority employees reflected in the KFUE Annual Employment Reports; that in any event KFUE's Annual Employment Reports did not accurately reflect the total number of minority employees at KFUE during the license term (KFUE employed five minority employees during its license term who were not at the stations during the applicable employment reporting period and therefore were not reflected in certain Annual Employment Reports); and that given the very small size of the stations (during the first five years of the license term, the two stations combined never had more than 18 employees), it is misleading to rely upon percentages alone in assessing KFUE's performance.<sup>1</sup>

Finally, KFUE also explained that, for nearly all the employment positions at the stations, reliance upon general minority availability in St. Louis is an

---

<sup>1</sup> As KFUE pointed out, the addition of only a single minority employee during several years of the license term would have made a decisive difference in KFUE's overall employment profile in terms of raw percentages. When extreme charges such as intentional discrimination are made, it is impossible to reach responsible conclusions when the charges are based on discrepancies of as little as only one employee; such small numbers cannot possibly provide any basis for statistically reliable findings.

inappropriate standard by which to measure KFUO's performance. Because so many of its employees must possess either training in Lutheran theology or a classical music background, the actual availability of minorities in St. Louis with the requisite job skills is by definition far lower than the number of minorities overall in the St. Louis labor force, and KFUO's performance must be judged in that context. (See KFUO Opposition to Petition to Deny at 7-10 and Table Two.)<sup>2</sup>

The NAACP's assertion that KFUO's minority employment levels were low simply ignores the facts discussed at length in KFUO's pleadings to date.

#### B. Minority Recruitment Activity

By letter dated April 22, 1992, the Commission requested KFUO to supply additional information about its recruitment efforts. KFUO responded with details

---

<sup>2</sup> In fact, putting aside for the moment those employment categories requiring these specialized skills (which issue is addressed further below), KFUO's employment statistics were anything but "extremely low". There were ten full-time hires made by the stations between October 1986 and January 31, 1990 (the period of time for which the FCC has requested data) in employment categories for which religious or musical background were not an overriding consideration; of these ten, four (or 40 per cent) were black. (See KFUO's Opposition to Petition to Deny ("Opposition" at Table 3 (for hires between 10/1/86 and 10/1/89) and KFUO's May 12, 1990 response letter to Glenn A. Wolfe, at p. 6 (for hires between 11/1/89 and 1/31/90).)

about its recruitment efforts by letter dated May 12, 1992 ("Response"). On the basis of KFUE's Response, the NAACP asserts that KFUE used "minority recruitment sources" only for "low-status" positions, concluding that "KFUE has inherently deemed only those types of jobs suitable for minorities". The record before the Commission simply does not justify this conclusion.

A review of KFUE's Response shows that the following steps were taken to recruit for Top-Four full-time job positions (nearly all of which, as described in KFUE's Opposition to Petition to Deny, required either Lutheran theological training or classical music expertise): All openings at the stations were posted at the Lutheran Church/Missouri Synod headquarters, where minority staffing is at 11 percent; a Bookkeeper position in 1985 was advertised in the St. Louis Post Dispatch, St. Louis' largest daily newspaper (with a significant black readership); a Sales position in 1989 was advertised with the Lutheran Employment Project, a Lutheran social service agency established to enhance opportunities for minority employment; standard recruitment letters were sent to nine local recruiting organizations and local universities (many with significant minority enrollments), seeking qualified minority applicants for all positions at the stations; and Reverend Otis Woodard, a black Lutheran Minister,

has been asked to send to KFUD all qualified applicants for any position.

In addition to these steps, KFUD advertised a total of three General Manager and Sales Manager positions open in 1983 and 1987 in Broadcasting Magazine; a total of four announcing and sales positions open in 1987, 1989 and 1991 with the St. Louis Broadcasting Center, located in the heart of St. Louis; and a total of five General Manager and Program Director positions in 1983, 1987, 1988 and 1989 with the Lutheran Witness, a national monthly magazine distributed to Lutherans. (Of the latter openings, all required Lutheran theological training).<sup>3</sup>

Thus, KFUD's top-Four recruitment efforts reasonably accommodated both KFUD's hiring needs and FCC EEO considerations: Every Top-Four position was advertised at least within the KFUD headquarters with 11 percent minority employment, and largely black educational institutions and the Reverend Woodard were asked to send applicants to the stations for any position. In addition, positions were advertised with a

---

<sup>3</sup> As noted in KFUD's earlier pleadings, KFUD also filled some full-time Top-Four positions from resumes on file at the stations. Because there are relatively few classical music and Lutheran religious stations, KFUD receives many unsolicited resumes from qualified applicants around the country with special expertise in classical music or Lutheran theology.

specialized black-oriented recruitment source and in the St. Louis newspaper, with heavy black readership; and several positions requiring specific broadcast expertise were advertised with a broadcast center located in the heart of St. Louis and/or with the most widely-read source of broadcasting classified advertising (Broadcasting Magazine). In the case of only a handful of Top-Four full-time positions was recruitment made in a manner arguably relatively less accessible to the overall black population -- these were for positions requiring Lutheran theological training, and were advertised in a publication oriented specifically towards Lutherans.<sup>4</sup>

There is nothing in the NAACP's conclusory accusations, or in these facts, to suggest improprieties in KFUE's handling of Top-Four recruitment efforts.

Ironically, the NAACP faults KFUE for advertising a number of non-specialized positions in newspapers with

---

<sup>4</sup> With respect to these few hiring opportunities, it would be unrealistic to insist that licensees recruit heavily for very specialized positions -- such as those requiring Lutheran theological training, for example -- in a manner other than one reasonably calculated to reach persons with the necessary background; thus, even if KFUE had limited its search for Lutheran scholars solely to recruitment through Lutheran publications, there would be no basis for concluding that KFUE had behaved inappropriately. In any case, even these positions were also advertised by means of the general recruitment contacts made equally for all job openings, discussed above.

a primarily black readership. KFUE is frankly at a loss to understand the nature of the NAACP's concern. KFUE made a special effort to alert local minority applicants to a number of its non-specialized openings through advertising in several minority-targeted newspapers, while at the same time pursuing reasonable recruitment policies with respect to its more specialized positions. Far from providing proof of some illicit intention on KFUE's part, KFUE's effort to recruit through targeted minority publications demonstrates precisely the reverse.

The NAACP concludes, on the basis of the showing KFUE made with respect to its recruitment efforts, that "even the filing of a petition to deny has not been sufficient to make this licensee conscious of its responsibility to recruit minorities even in subordinate positions." The assertion simply does not make sense. The only information in the record pertinent to KFUE's performance subsequent to the filing of the Petition to Deny was information in the Response for hires made through the date of filing the Response. For the four hires shown subsequent to the filing of the Petition to Deny, KFUE's recruitment efforts were (in addition to posting all openings at the Synod headquarters) as follows:

-- Announcer (1991): St. Louis Broadcasting Center;

-- Secretary (1991): Lutheran Employment Project (minority-oriented);

-- Secretary/Receptionist (1990): monthly Lutheran publication; St. Louis Post Dispatch; St. Louis Sun; Lutheran Employment Project; and three black owned and targeted local newspapers.

-- Maintenance Worker (1990): monthly Lutheran publication; St. Louis Post Dispatch; St. Louis Sun; Lutheran Employment Project; and three black owned and targeted local newspapers.

KFUO's recruitment efforts subsequent to the filing of the Petition to Deny do not in any way evidence the disregard for FCC EEO requirements that the NAACP's accusatory filing suggests.

In short, the NAACP's claims about critical factual matters in this proceeding are not justified by the record. There is simply no basis for the NAACP to claim that KFUO's minority recruitment efforts were intentionally discriminatory or otherwise inappropriate, either before or after the filing of the Petition to Deny.

C. Hiring of Persons with Specialized Skills

In its Opposition to Petition to Deny, KFUO explained that assessing KFUO's performance against

16

general labor market minority availability statistics is misleading because this fails to account for the fact that nearly all of the full-time hiring opportunities which occurred at the stations during the license term required particular training either in classical music or Lutheran theology.<sup>5</sup> Because of the self-evident proposition that there are fewer minorities in St. Louis with these special skills than there are minorities in St. Louis as a whole, KFUE suggested that it was inappropriate to assess its employment performance in light of census data for the entire minority population.

The NAACP takes issue with a number of related points. First, without any basis, it questions the veracity of KFUE's assertion that it is important that salespersons at KFUE-FM be knowledgeable about classical music.

The attached Statement of Dennis Stortz, General Manager of KFUE, provides further information on this point. As Mr. Stortz points out, classical music stations have a difficult time competing commercially with stations featuring more popular formats, and it is critical that such stations take advantage of every opportunity to market themselves effectively. Despite

---

<sup>5</sup> Of the 35 full-time hires made from October 1, 1986 through January 31, 1990, 26 required either Lutheran theological background or classical music knowledge. (See KFUE Opposition at Table 3; Response at pp. 6-9.)

the NAACP's assertion that it is unaware of cases where stations require their sales forces to be knowledgeable about station formats, Mr. Stortz (who is General Manager of a classical music station) advises that it is, in fact, standard practice for classical music stations. The desirability of attracting knowledgeable salespersons is a frequent topic at sales symposia at the Classical Music Broadcasters Association.

Second, the NAACP charges that KFUO had no basis for estimates it made concerning the number of minorities in the St. Louis area possessing expertise in classical music, a prerequisite for many of the positions at KFUO-FM. While KFUO conceded that specific data on this point probably do not exist, it did in fact provide a basis for availability estimates that it made -- namely, the numbers of minority persons in the St. Louis metro area who listen to KFUO-FM, the only classical music radio station in the city. That number was 2,693 -- about .1 percent of the population of the St. Louis Metropolitan Statistical Area.

Third, the NAACP questions the need for Lutheran training on the part of employees at KFUO's classical music station. KFUO has never said that it requires religious training of any sort on the part of employees at its classical music station, KFUO-FM. (Indeed, all

but one of the Top-Four employees at KFUE-FM are non-Lutherans.) KFUE has consistently stated that it requires Lutheran theological training only for certain employees at its religious format station, KFUE-AM.

Fourth, the NAACP finds suspicious the fact that the standard recruitment letters KFUE sends to local employment agencies and universities do not reference any specialized requirements, but simply seek qualified minority applicants. These letters simply urge the recruitment source recipients to direct qualified applicants to KFUE for a variety of positions at any time, not only for those positions requiring specialized skills. Indeed, the very function of the standard recruitment letter is to attract as diverse a group of qualified applicants as possible for a range of employment opportunities.

Finally, the NAACP claims that a requirement that certain employees possess a particular theological training is, standing alone, grounds for nonrenewal of the broadcast license, citing Kings Garden, Inc. v. FCC, 498 F.2d 51 (D.C. Cir. 1972). The case cited by the NAACP supports precisely the opposite proposition. Kings Garden specifically holds that licensees may impose religious restrictions in hiring persons "whose work is ... connected with the espousal of the licensee's religious views", suggesting that such a