

## Two years later, petitions to deny are held to be based on false alarms

**FCC judge can find no proof that New Orleans stations recruited armed civilians when sniper was at large**

An allegation that was used in May 1973 as a basis for a petition to deny the license renewal applications of 21 New Orleans radio stations appears, finally, to have had no basis in fact. At least, an FCC administrative law judge could find no basis after a hearing held to help the commission decide whether to designate Storz Broadcasting Co.'s renewal application for WTIX(AM) for hearing.

The allegation was made after a sniper had terrorized New Orleans from the roof of a Howard Johnson's motel, on Jan. 7, 1973. A New Orleans resident, Linda G. Roosevelt, said she had heard WTIX and possibly other stations in the city broadcast an announcement that the police were seeking help from armed civilians in capturing the gunman. There was also congressional testimony by the city's superintendent of police of "an unauthorized and unsolicited announcement" by a radio station that the police needed the help of "marksmen with high-powered scopes to assist them."

Two members of the New Orleans-based Southern Media Coalition filed the petition to deny against the 21 stations on the basis of those statements. The petition asserted that the announcement nearly incited a riot, and that such action was improper for a broadcast licensee.

All of the stations named in the petition denied being involved. Later, the petitioners withdrew the petition as it affected five stations. And the commission rejected the petition against all of the other stations, except WTIX, on the ground that it lacked specificity.

The commission ordered a hearing on Storz's application, but changed its mind and asked Chief Administrative Law Judge Arthur Gladstone to hold an investigative hearing, to determine whether a renewal hearing was warranted, after Storz vigorously restated its denial that it was responsible and urged the commission to reconsider.

Judge Gladstone heard five days of testimony in New Orleans from police department members, broadcast licensees and local residents, listened to tapes, and notified the public through the media of the inquiry as a means of reaching individuals who might have information.

Judge Gladstone's conclusion after sifting the evidence: "There is a very strong probability that the alleged broadcast ... did *not* occur." He suggested that, instead, a remark by one or more announcers on different stations and at different

times "was probably misunderstood by some few members of the public."

Judge Gladstone noted that coalition has suggested that the alleged broadcast was designed to attract whites "to the shooting gallery at the motel" or, "at the worst," incite whites indiscriminately to shoot blacks. But, he added, there were confirmed reports of only three armed citizens at the motel, two of them black.

If the broadcast media did in fact make the claimed broadcast announcement, Judge Gladstone said, "the public response was remarkably ineffectual and minuscule. That fact tends to belie the proposition that such a broadcast did, in fact, occur."

## Star transfer moves into FCC arena

**Commission to hold prehearing conference tomorrow in wake of agreement by stockholders to sell to Allbritton**

Joe L. Allbritton, the Texas banker and businessman who is now publisher of the *Washington Star*, has cleared one new hurdle in his effort to gain control of the parent company, and his attorneys were preparing for the next, and most difficult.

The owners of more than 99% of the outstanding shares of the Washington Star Communications Inc. had expressed their agreement by a 5 p.m. deadline on Sept. 15 to sell Mr. Allbritton their shares. Mr. Allbritton, who already owned 10%, had offered to buy the 17,846 shares at \$1,600 a share, for a total of \$28.5 million.

The more difficult problem in acquiring control involves obtaining the FCC approval of the transfer of WSC's broadcast properties—WMAL-AM-FM-TV Washington, WLVA-AM-TV Lynchburg, Va., and WCIV(TV) Charleston, S.C.

The commission last month refused to approve the transfer without a hearing. At that point, Mr. Allbritton was seeking to acquire only 37% of the stock. But that would have given him de facto control, and commission rules prohibit the transfer, intact, of broadcast-newspaper and radio-television properties in the same market. Mr. Allbritton, in his tender offer, said he would comply with the crossownership rules, but asked for at least two years in which to comply. He says his principal interest is in retaining the newspaper, but the offer does not foreclose his selling or closing the *Star*. In that event, however, he would be obliged to dispose of the Washington television station or the radio outlets within one year.

Mr. Allbritton's attorneys last week were preparing a filing—the precise form had not been decided on by midweek—reflecting the objectives of the tender offer.

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