

American GI Forum # 1  
Veterans Family Organization  
621 Gabaldon Road, N.W.  
Albuquerque, N. M. 87104

Office (505) 243-7551

*Com. Vicente T. Ximenes*  
Chairman

*Isabelle O. Tellez*  
Chairperson

*Catalina Gonzales*  
Vice-Chairperson

*Maj. Emelio Sanchez*  
Treasurer

*Erma Martinez*  
Treasurer

*Cindy Martinez*  
Secretary

*Sgt. Javier S. Jasso*  
Secretary

*Atty. Jess Sandoval*  
Legal Advisor

*Frank Jaramillo*  
Pledge Officer

*Maria Ximenes*  
Pledge Officer

*Martin Martinez*  
Parliamentarian

*Barbara Trujillo*  
Parliamentarian

*Rev. Mario Canova*  
Chaplain

*Connie Campbell*  
Chaplain

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Youth Forum

*Rebecca Proo*  
Chairperson

*Lisa Rodriguez*  
Vice-Chairperson

*Johnny Chavez*  
Treasurer

*Celia Tellez*  
Secretary

May 15, 1981

Dr. Hector P. Garcia  
Founder  
American GI Forum  
1315 Bright Street  
Corpus Christi, TX 78405

Dear Hector:

Enclosed is information in regard to our case against KGGM-TV on a petition to deny renewal of the license. It has now been 10 years since this matter was initiated and we have yet to get a final decision, furthermore, as you know, the Commission has all ready changed and it appears our only recourse is in the courts.

Sincerely,



Vicente T. Ximenes  
Chairman

VTX/rip

Enclosures

**American GI Forum # 1**

*Veterans Family Organization*  
621 Gabaldon Road, N.W.  
Albuquerque, N. M. 87104

*Com. Vicente T. Ximenes*  
Chairman

TO: New Mexico GI Forums DATE: May 14, 1981

Office (505) 243-7551

*Isabelle O. Tellez*  
Chairperson

FROM: Vicente T. Ximenes SUBJ: State Convention  
Isabelle Tellez  
Lisa Chavez

*Catalina Gonzales*  
Vice-Chairperson

*Maj. Emelio Sanchez*  
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Treasurer

*Celia Tellez*  
Secretary

Plans for the Convention are now final. Hon. Jerry Apodaca will be our guest speaker. The agenda is as follows:

Friday, June 5

- 10:00am - Women's meeting.
- 12:00pm - Luncheon/Catered by Women's Forum includes hosted cocktail hour. Guest speaker Tasia Young.
- 1:00pm - Women's workshop - bilingual education, women's issues.
- 4:00pm - Workshop adjournment.
- 7:00pm - Reception and registration. Includes hosted cocktail and buffet hour; GI Forum Youth Mexican Folk Dancers; Guitaristas and GI Forum duo - Mickey Urban and Tony Montoya.

Saturday, June 6

- 9:00am - Registration - coffee and rolls.
- 10:00-12:00pm - Business session.
- 12:00 noon - Luncheon - catered by Women's Forum.
- 1:30- 4:00pm - Business session.
- 6:00pm - Hosted bar and reception hour.
- 7:00pm - Mariachis Nuevo Tapatillo
- 7:00pm - Banquet - catered by Women's Forum
- 8:00pm - Hon. Jerry Apodaca - Guest Speaker
- 8:30pm - Scholarship awards
- 9:00pm - Queen Coronation and Ball

The Women's luncheon and the Saturday evening functions are highlights of the convention. No se la pierdan.

Registration fee for members - \$15.00 includes all luncheons, receptions, banquet, and dance - Non-members \$20.00.

Some issues to be resolved:

- A. The Reagan budget cuts.
- B. Bilingual Education
- C. The Los Alamos guards being placed under contract instead of civil service. (Most guards at Los Alamos are veterans and Hispanic).
- D. Appeal to Circuit Court to get FCC to issue a decision on KGGM-TV license.
- E. Bracero program proposal.
- F. Rights of undocumented aliens.

Office of Communication  
UNITED CHURCH OF CHRIST  
105 Madison Avenue  
New York, NY 10016  
(212) 683-5656  
Rev. Everett C. Parker, Director

FOR IMMEDIATE RELEASE

WASHINGTON, DC, MAY 11: Charging that "justice delayed is justice denied," a coalition of Mexican-Americans, Blacks and Indians assisted by the Office of Communication of the United Church of Christ filed an appeal with the U.S. Circuit Court of Appeals here today to press for action by the Federal Communications Commission on the group's petition to deny renewal of the license of KGGM-TV, Albuquerque, NM.

"It has now been ten years since we first filed our evidence against this station," explains Gerald Wilkinson, an Albuquerque resident and chairman of CEETRUTH (Coalition for the Enforcement of Equality in Television and Radio Utilization of Time and Hours). "It has been almost six months since the Commission voted what it claimed would be a one-year probation for the station. It has not yet issued its decision. Meanwhile, the station goes on operating as usual."

With legal and technical help from the United Church of Christ's Office of Communication, CEETRUTH first filed a petition to deny renewal of KGGM's license in September, 1971. The group asserted that New Mexico Broadcasting Co., Inc., the licensee, employed no Blacks or Native Americans among its staff of 61 and that its seven Spanish-surnamed employees were relegated to relatively low-level or low-paying positions. It claimed that the CBS affiliate had failed to ascertain the programming needs of minorities and that it provided little local news and virtually no news concerning the Black, Mexican-American or Indian community, which now comprises over 40 percent of the area's population. The petition also noted that KGGM devoted only 1 percent of its time to public affairs broadcasting, which itself offered little, if any, coverage of minority affairs.

The FCC set a hearing date on KGGM's license renewal in July of 1975, the first time it had done so on the basis of a citizen group's complaint that a station had failed to provide adequate local programming. The hearing was held in February,

(OVER)

1976, and the Commission's Administrative Law Judge issued an initial decision that November that all the charges made by CEETRUTH were true, but did not constitute sufficient cause for denial of KGGM's license.

Two years later, in November, 1978, the entire Commission heard oral arguments from the two parties in the case. No decision was announced until December, 1980, when a press release sent out by the FCC stated that it had voted 4-3 to grant New Mexico Broadcasting Co. a short-term, one-year renewal of its license to operate KGGM. But, as the appeal points out, the Commission has yet to issue a formal order on the case or to release an explanation of the conclusions it announced.

The appeal filed by CEETRUTH in the District of Columbia U.S. Circuit Court of Appeals is based on the failure of the FCC to "act in a timely fashion" on its petition.

"We feel that the FCC has visited an inexcusable disservice on the people of Albuquerque--and especially on our citizens of Hispanic and Indian background--by its deliberate delay in the handling of the KGGM case," contend Mr. Wilkinson, who is director of the National Indian Youth Council, and Vincente T. Ximenes, a founder of CEETRUTH, Albuquerque resident and former Commissioner of the U.S. Equal Employment Opportunity Commission.

"We have been patiently awaiting the Commission's decision so that we can proceed with an appeal," they explain. "We are counting on the courts to make it possible for us to have a fair hearing on the record that we have presented of the failure of this station to serve our local community and of its prejudice against minorities."

Filed by Earle K. Moore of the New York law firm of Moore, Berson, Lifflander & Mewhinney, attorney for the Office of Communication, the appeal notes that "when it is considered that the issue before the Commission is the granting of a license to broadcast during the period from 1971 to 1974, it becomes clear that justice delayed is justice denied. Indeed, this delay has resulted in the licensee receiving two more

(MORE)

three-year renewal terms and part of a fourth renewal term without a final decision rendered that it is entitled to the first."

"The Commission's casual attitude toward its statutory responsibilities cannot be justified by any claim that the petition to deny was insubstantial," the appeal maintains. "The fact that a hearing was designated and that the Commission's vote was divided 4-3 are clear indications that the proceeding raises substantial issues which should be addressed and resolved."

CEETRUTH is a coalition of community groups in the Albuquerque area which was founded to protect and further the interests of Mexican-Americans, Blacks, Indians and other local residents in the broadcast media. The Office of Communication carries out projects to protect the public interest and advance affirmative action in telecommunications, handles public relations and provides education programs in communication for the 1.8 million member United Church of Christ, a 1957 union of the Evangelical and Reformed Church and the Congregational Christian Churches.

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MAY, 1981

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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COALITION FOR THE ENFORCEMENT OF :  
EQUALITY IN TELEVISION AND RADIO :  
UTILIZATION OF TIME AND HOURS, : No.  
Appellant, :  
v. :  
FEDERAL COMMUNICATIONS COMMISSION, :  
Appellee. :  
-----X

NOTICE OF APPEAL

Notice is hereby given that the COALITION FOR THE ENFORCEMENT OF EQUALITY IN TELEVISION AND RADIO UTILIZATION OF TIME AND HOURS (hereinafter called "CEETRUTH") hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the failure of the Federal Communications Commission to grant in a timely fashion its petition to deny renewal of the license of Station KGGM-TV, Albuquerque, New Mexico (FCC Docket No. 20540, File No. BRCT-241).

Nature of Proceedings

New Mexico Broadcasting Co., Inc. filed an application for renewal of its license for station KGGM-TV, Albuquerque, New Mexico on July 2, 1971. CEETRUTH filed a

timely Petition to Deny on September 1, 1971, challenging the adequacy of the station's efforts to ascertain the needs of its community of license, particularly the needs of Mexican-Americans and women, the responsiveness of its program service to such needs and the adequacy of its efforts to provide equal employment opportunity to racial minorities and women. The application was designated for hearing on July 14, 1975. The hearing ended on February 18, 1976. An initial decision was issued on November 7, 1976. Oral argument before the full Commission was held on November 28, 1978. A press release was issued on December 16, 1980, reporting that the Commission had granted renewal, with Chairman Ferris and Commissioners Fogarty and Brown dissenting. No order or opinion has yet been released.

#### Reasons to be Relied Upon

1. Almost ten years have passed since appellant filed a Petition to Deny with the Commission and the Commission has yet to issue an order determining these proceedings or an adequate explanation for the conclusions it has announced. In 1969 this Court criticized the "scandalous delay" in acting upon a similar petition to deny filed against Station WLBT in Jackson, Mississippi, although the final decision there was reached in scarcely more than four years with two intervening appeals to this Court on questions of standing and burden of proof.\* Section 5(e) of the Communication

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\* See Office of Communication of United Church of Christ v. F.C.C., 123 U.S. App.D.C.328, 425 F.2d 543 at 551.

Act requires a Commission objective of deciding "all hearing cases" within six months of the final date of the hearing.

The Commission's casual attitude toward its statutory responsibilities cannot be justified by any claim that the petition to deny was insubstantial. The hearing designation and the close division in the Commission's vote are clear indications that the proceeding raises substantial issues which should be addressed and resolved. When it is considered that the issue before the Commission is the granting of a license to broadcast during the period from 1971 to 1974, it becomes clear that justice delayed is justice denied. Indeed, this delay has resulted in the licensee receiving a second and third three-year renewal and part of a fourth without a final adjudication that it is entitled to the first.

2. Appellants cannot identify all the errors which the Commission has made until it issues its opinion. However, the Commission has clearly ignored the long standing and facially unrepealed standards of its 1960 Programming Statement which require program service responsive to community needs.

3. It has also excused a passive employment program continuing even after the filing of a petition to



deny on the basis of post-designation improvements -  
evidence which has generally been considered unreliable.

Dated: May 8, 1981

Respectfully submitted,



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Earle K. Moore  
Attorney for Appellant

MOORE BERSON LIFFLANDER & MEWHINNEY  
555 Madison Avenue  
New York, N.Y. 10022  
(212) 838-0600

CERTIFICATE OF SERVICE

I, Vivienne Jones, a secretary in the law offices of Moore, Berson, Lifflander & Mewhinney, hereby certify that I have this 8th day of May, 1981, mailed by United States first-class postage prepaid, a copy of the foregoing Notice of Appeal, to the following:

Marjorie S. Reed, Esq.  
General Counsel  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Wilkinson, Cragun & Barker  
1735 New York Avenue, N.W.  
Washington, D.C. 20006

Glaser, Fletcher & Johnson, P.C.  
1150-17th Street, N. W.  
Washington, D.C. 20036



Vivienne Jones