

7-1-1974

Letter to the National News Council Members Regarding Robert A. Edwards' Complaint

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The National News Council, Inc.

Ned Schnurman

The National News Council, Inc.

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Recommended Citation

William B. Arthur and Ned Schnurman, *Letter to the National News Council Members Regarding Robert A. Edwards' Complaint* (1974).
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The National News Council

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NEW YORK, N.Y. 10023

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STANLEY H. FULD, Chairman
WILLIAM B. ARTHUR, Executive Director
NED SCHNURMAN, Associate Director

July 22, 1974

Dear Council Member:

We are enclosing for your attention and consideration a letter received this date from the attorneys for the Mutual Broadcasting System responding to the Grievance Committee's recommendation in the matter of a complaint brought by Robert Edwards.

In view of this response by Mutual, we believe that final action in this matter should be deferred so that there might be further staff investigation and discussion by the Council at our September meeting.

This note, then, supersedes our earlier communication with you dated July 19.

Cordially,

Bill Arthur
Ned Schnurman

Handwritten signatures of Bill Arthur and Ned Schnurman. The signature of Bill Arthur is written in cursive and is positioned above the signature of Ned Schnurman, which is also in cursive.

Enclosure

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Of Counsel
FRANCIS J. PURCELL

July 18, 1974

The National News Council
One Lincoln Plaza
New York, New York 10023

Attention: Mr. Ned Schnurman, Associate Director

Re: Complaint of Robert A. Edwards
(Mutual Broadcasting System, Inc.)

Gentlemen:

Our client, Mutual Broadcasting System, Inc. ("Mutual") has forwarded to us for review and comment a copy of your "finding of the National News Council Grievance Committee" and a copy of the "transcript" of your "hearing" held on June 24, 1974 on the complaint of Robert A. Edwards ("Edwards"), and has supplied us with certain information relating to the finding and Edwards' testimony. The reasons that Mutual chose not to appear at the hearing are amply stated in prior correspondence. The following comments are made on behalf of Mutual after a review of the material in our possession and discussions with management personnel of Mutual.

The crux of the complaint and the finding appears to be that Mutual's management placed an improper restraint on the news judgment of its journalists. Mutual categorically denies there was, or is, any improper restraint on its newsmen.

Emphasis has been placed on a memorandum from former Bureau Chief Ted Reuter, who had a record while at Mutual of exceeding his authority which, a former newsman and current Director of News has stated, brought continued ridicule from newsmen who frequently ignored such directives. It should be noted that the then newsman and current Director of News did not use the story in question and was not dismissed, persecuted, intimidated or otherwise penalized; in fact, he was promoted. Further, Mr. Reuter himself did not carry the story

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in question in any of his newscasts or sportscasts the day in question.

Your "finding" alleges the Council "considered the statements of former newsmen" of Mutual. An examination of the transcript indicates that the Committee relied solely on the conclusory, self-serving statements of Edwards, a disgruntled former employee, and a letter from Ted Reuter, another former employee who Mutual terminated and who cannot be considered impartial and unbiased. It is interesting to note that the Committee itself did no independent investigation of the complainant or the complaint. This is particularly relevant since Edwards was on vacation and not present at Mutual at the time of the event about which he complained. His statements and conclusions as to what actually transpired, and his concern about "consequences" to newsmen, are based entirely on hearsay, are completely void of any personal, first hand knowledge, are erroneous and show a basic lack of knowledge of Mutual's standard operating practices.

Emphasis has also been placed on the "requirement" that all broadcasts containing the story in question be taped, it being Edwards' testimony (p. 27) that such taping was "very unusual". The fact is that newscasts are all recorded, and special "dubs" are provided to interested parties through Mutual's Programming and Sales Department on an almost daily basis. This has been a standard procedure at Mutual for many years.

Edwards admits that he was in Florida at the time the story in question was used. Consequently, his concern about the loss of time for other items is ludicrous since he was unable to know the news "budget" for the day in question. The fact is that the story was used mostly in the evening and night hours when normal news sources were closed.

Edwards appears to have amused your Committee with the way he "thinks it went" at the time of the broadcasts in question in that Mutual kept the story current by announcing the selection of winners on an hourly basis. This is absolutely false; all selections were announced in a group.

The original announcement of the team was made at the MBN Black College All American Team Awards Luncheon at the New York Hilton Hotel in New York City. Mr. Edwards is

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apparently unaware that the story was carried on the A-P, UPI and Reuter's news wires and received national press coverage. Mutual has available a book of press clips that contain literally hundreds of clips from around the country. The event was given wide coverage by both general and Black newspapers on a nationwide basis.

In addition to that coverage, the event was filmed and later televised by all three major television networks. A special 12 minute segment of the WNBC-TV programming entitled "Positively Black" the following Sunday was devoted to the MBN Black College All American Team Awards Luncheon.

The Committee's finding asserts that its decision is consistent with an extracted portion of the Code of Broadcast News Ethics of the Radio, Television, and News Directors Association relating to "significance, community and regional relevance appropriate to human interest; service to defined audiences." Even Edwards' statements concede that one of Mutual's "defined audiences" is the Black community, and the concept put forward by Mutual was unique and appropriate to the Black community. The selected material therefore fits within that Association's guidelines and your committee's findings are clearly in error. For a broadcaster to arrogate to an on-the-air newsman the complete responsibility for determining what is appropriate broadcast material would violate the spirit, if not the letter, of its responsibility to the listening public.

The interpretation of the memoranda cited by Edwards, and the consequences of a failure to follow, are entirely conjecture on the part of Edwards since he was not personally present immediately before, during, or evidently immediately after, the broadcasts in question and offered only hearsay and conclusory self-serving statements to your Committee. Edwards' ignorance of the facts is evident. We find it incredulous that you should accept and rely on such statements, especially coming from a former employee, dismissed for cause and patently biased. Why has no other newsman, presently or formerly employed, come forward to you or any responsible organization to complain? The quality of your conclusion depends on the quality of your facts and the source of your facts. Your source, and his facts, leave much to be desired.

We are constrained to advise you that should you elect to make public and disseminate your purported "findings" in this matter, we shall have no alternative to advise our client as

Regan Goldfarb Heller Wetzler & Quinn

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to the legal recourse and remedies available to it and the liability of The National News Council for any damages suffered, and to act accordingly. Mutual believes that too much time, energy and money has already been expended on a specious matter.

Very truly yours,



Peter A. Silverstein

PAS/pas
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