

# at deadline

## Lamb Denied Injunction Against FCC; Will Appeal

PRELIMINARY injunction to halt FCC's July 28 hearing on license renewal of Edward Lamb's WICU (TV) Erie, Pa., denied Friday by U. S. District Court Judge Edward A. Tamm. Judge granted FCC motion to dismiss Lamb complaint because broadcaster-publisher has not exhausted administrative relief before FCC [B•T, June 7].

Lamb counsel after court action said appeal would be taken early this week to U. S. Court of Appeals for D. C. or directly to Supreme Court. He referred to WICU renewal case which is under attack as unconstitutional because it places burden upon Mr. Lamb to prove he did not falsely inform FCC he never had Communist associations.

Lamb petition was argued by Russell Morton Brown, law associate of former U. S. Attorney General J. Howard McGrath, Lamb counsel and executive vice president of Lamb Enterprises, while FCC defense was presented by General Counsel Warren Baker and Assistant U. S. Attorney Oliver Gasch.

Court denied Mr. Lamb right to relate conversations with Commissioners about hearing delay but allowed Lamb counsel to summarize what he would have testified. Mr. Brown said Mr. Lamb was told by Chairman Hyde and others that FCC has no new evidence but is powerless to halt renewed investigation because Comr. John C. Doerfer is "key to the problem." Mr. Brown said Mr. Lamb talked with Comr. Doerfer and told him he once was Republican but now is a Democrat, to which Comr. Doerfer reportedly replied as Mr. Lamb left, "It would be better if you were still a Republican."

Asked by counsel if he had received offer to purchase WICU, Mr. Lamb said unnamed station broker made offer, but he told broker he couldn't get FCC approval to any sale until his qualifications were cleared. Mr. Lamb said broker answered, "That has been taken care of. We will guarantee it." Questioned if he did sell, Mr. Lamb replied, "I refused to enter any deal with the Commission."

### Milwaukee Merger Gets Ch. 12

FCC Friday finalized grant of ch. 12 Milwaukee to merged Milwaukee Area Telecasting Corp. and at same time again turned down application of ch. 25 WCAN-TV in same city for move to ch. 12 [B•T, May 24]. Comr. Frieda B. Hennock dissented.

Commission said grant to Milwaukee Area group (Milwaukee Area, WFOX and WEMP, 30% each; Koloro Telecasting, 10%) correctly followed procedures, maintaining application in hearing status even after merger. WCAN-TV application was filed after hearing had begun, and also violated rule prohibiting operating station from filing application for new facility without surrendering its existing grant. In response to WCAN-TV allegation that FCC accepted KSTM-TV St. Louis application for ch. 11 in that city, even while operating on ch. 38, FCC said KSTM-TV application was filed in time.

Comr. Hennock's dissent and Comr. Robert T. Bartley's concurring opinion urged that mergers be set for hearing.

### FCC Denies Protests to Tulsa Grant

SINCE grant of ch. 8 in Muskogee, Okla., to Tulsa Broadcasting Co. (KTUL Tulsa) last April was made after hearing, protests under Sec. 309(c) are invalid. FCC said Friday in denying objections by KCEB (TV), KOTV (TV) and KSPG (TV), all Tulsa [B•T, May 10].

Grant to Tulsa Broadcasting Co. came after competing applicants dropped out, but followed hearing procedures. Protestants claimed hearing status was more legal than fact, that Muskogee grant was being promoted as Tulsa-Muskogee station, that overlap existed between Muskogee permittee and KWTW (TV) Oklahoma City, 50% owned by John T. Griffin and family, owners of

## NO RED OPERATORS

AMATEUR and commercial radio operators are going to have to swear they aren't Communists and that they are not members of any organization advocating overthrow of Government by force or violence.

FCC Friday issued proposed rules, applying to "hams" and commercial operators, which would make ineligible for licenses any member of Communist Party "or any organization which has been required to register as a Communist-action or Communist-front organization" under 1950 Internal Security Act.

Tulsa Broadcasting Co., and that same interests also own KATV (TV) Pine Bluff, Ark., KTUL Tulsa, KOMA Oklahoma City and KFPW Fort Smith, Ark., and that this constitutes undue concentration of control.

Comr. Frieda B. Hennock dissented to FCC ruling, said hearing status of Tulsa Broadcasting Co. was legal fiction, since grant was made on no evidence compiled in hearing. Comr. George E. Sterling did not participate in decision.

### FCC Disputes Property Rights Claims

FCC LITIGANTS have no property rights in their cases, and thus cannot collect pecuniary damages, FCC told U. S. Court of Appeals in Washington Friday in opposing petition for accounting and impounding of profits of WHEC-TV and WVET-TV Rochester, N. Y., filed earlier this month by Gordon Brown, WSAJ Rochester [B•T, June 7]. At same time, court scheduled oral argument on request for June 17. Mr. Brown asked that court revoke grant, which permitted both stations to share ch. 10, on ground that he had application pending and that Commission action denied his application without hearing.

### Uhf WJTN-TV Returns Permit

PERMIT for ch. 58 WJTN-TV Jamestown, N. Y., returned to FCC Friday for deletion because network affiliation is not available and network programs already are in area from Buffalo and Erie stations.

### FCC Resumes Tv Licensing

LICENSING of tv stations resumed by FCC Friday on regular basis with issue of licenses to cover construction permits of WBZ-TV Boston and KCOP (TV) Los Angeles. Processing of license bids was set aside by Commission for more than year in order to put all manpower on handling of new tv station bids.

### Three Initial Grants

THREE initial television grants made final by FCC Friday: ch. 13 at Jefferson City, Mo., to Jefferson Television Co. (KWOS); ch. 9 at Minneapolis to KEYD there, and ch. 3 at Phoenix to Arizona Tv Co., headed by ex-Sen. Ernest W. McFarland [B•T, May 31, 24].

### Oral Arguments Scheduled

FOLLOWING initial tv decisions scheduled Friday for oral argument on dates shown: June 28

## UPCOMING

June 14-16: National Community Tv Assn., Hotel Park Sheraton, New York.

June 15: Senate Communications Subcommittee resumes hearing on uhf.

June 15-17: Radio-Electronics-Tv Mfrs. Assn., Palmer House, Chicago.

June 16: Assn. of National Advertisers, midwestern regional meeting, Hotel Knickerbocker, Chicago.

June 17-18: D.C.-Maryland Broadcasters, Ocean City, Md.

June 17-18: Maine Assn. of Radio-Tv Broadcasters, Poland Spring House, Poland.

June 17-19: Florida Assn. of Broadcasters, Biltmore Terrace, Miami Beach.

For other Upcomings see page 125.

## PEOPLE

EDWARD H. WEITZEN, vice president of Bulova Watch Co. and president and director of Bulova Research and Development Labs, to American Machine and Foundry Co., N. Y., as vice president in charge of marketing. Post is newly created and will entail responsibility for planning, organizing and controlling all marketing functions for company and its subsidiaries.

JOSEPH C. MEEHAN, with Geyer Adv., N. Y., for past nine years, named director of public relations department at agency.

CHRISTOPHER CROSS, assistant publicity director of Kenyon & Eckhardt, N. Y., has been appointed director of newly formed exploitation division within agency's promotion department. New division will handle all projects requiring dramatic exploitation of client sales messages in local or regional areas.

HAROLD C. LANG, formerly with certified public accountant firm of Lybrand, Ross Bros. & Montgomery, has been elected assistant treasurer of CBS, new post.

FRED W. BOARD, southeastern regional sales manager, Elgin National Watch Co., appointed director of national sales for watch line.

WALLACE E. STONE resigns as sales manager, WITV (TV) Ft. Lauderdale, Fla., to devote efforts to Keystone Enterprises Inc., tv packaging firm of which he is vice president.

Savannah, Ga., ch. 3, ruling favoring WSAV over WJIV; June 29—Mobile, Ala., ch. 5, ruling favoring Mobile Tv Corp. over WKRG-TV Inc. June 29 FCC also will hear argument of Jefferson Amusement Co. for admission to Beaumont-Port Arthur, Tex., ch. 4 contest.

### Allen Station Affirmed

FCC Friday affirmed new station grant to W. Gordon Allen at Springfield, Ore., on 1050 kc with 1 kw day. Protest proceeding dismissed because Mr. Allen no longer has ownership in nearby KSGA Cottage Grove, Ore., with which illegal overlap was charged.

## Proving Economic Injury: Key to KOA-KOAT Case

HOW specific must protestant be in claiming economic injury in order to have standing before FCC?

That was nub of argument Friday before U. S. Court of Appeals in Washington on request of KOA Denver for stay order against FCC grant early this year to KOAT Albuquerque, N. M., to change from 1240 kc to 860 kc and hike power from 250 w to 1 kw day, 500 w night. KOA protested grant, claiming that loss of New Mexico audience would cause it to lose advertisers. Commission, claiming loss was less than 2% of Denver clear channel station's total listeners, denied protest on ground no serious, specific economic injury shown.

Circuit Judges Harold M. Stephens and E. Barrett Prettyman held long discussion with FCC Assistant General Counsel Richard A. Solomon on how specific injury could be proved before new broadcast operation commenced—which by then would be too late to permit protest. Other jurist on three-man court was Judge Henry W. Edgerton.

Arguing for KOA was James A. McKenna Jr.; for KOAT, Paul Dobin.

## Newswriters Strike Threatened

WBBM-AM-TV Chicago prepared Friday to use newscasters and newsroom supervisors in face of threatened walkout by 14 members of independent Radio Writers Guild, slated for midnight. Possibility of 11th hour negotiations held remote, with no further discussions scheduled. Dispute centers around wages and fringe benefits, including radio-tv news program credits.