

Dog Days at FCC

FCC found itself on a quasi-vacation schedule last week, holding its regular meeting Thursday instead of the usual Wednesday, with Comr. E. M. Webster as acting chairman. Also present were Comrs. John C. Doerfer, Robert E. Lee and Frieda B. Henneck, who have no extended holiday plans for the present.

Comr. George E. Sterling has returned to Maine on vacation while Chairman Rosel H. Hyde is at home in Idaho until about Sept. 1. Comr. Robert T. Bartley, along with Chief Engineer E. W. Allen Jr. and Field Engineering & Monitoring Bureau Chief George S. Turner, is on an official Great Lakes ship radio inspection tour.

Comr. Webster leaves today (Monday) for a week's trip to Los Angeles where he will moderate a vehicular communications panel at the annual West Coast meeting of Institute of Radio Engineers. Comr. Doerfer this week will be in Chicago at an American Bar Assn. meeting. Next week he makes talks to Georgia Assn. of Broadcasters, meeting Aug. 22-24 at St. Simons Island, Ga., and West Virginia Assn. of Broadcasters, Aug. 27-28 at The Greenbrier, White Sulphur Springs, W. Va.

Michigan Congressman Cites Work of RFE and VOA

RADIO Free Europe and the Voice of America have been praised by Rep. Thaddeus M. Machrowicz (D-Mich.), a member of the House Select Committee on Communist Aggression headed by Rep. Charles J. Kersten (R-Wis.).

In a statement introduced into the *Congressional Record*, Rep. Machrowicz said he had concluded RFE and VOA were doing a good job while in Munich, Germany, with the Kersten group, which he said heard testimony favorable to both from witnesses returned from behind the Iron Curtain. Rep. Machrowicz said he also inspected in person RFE's facilities.

Boyer, Gilchrest Named To Savings Bonds Posts

HAROLD N. BOYER, former assistant to the director of advertising and promotion, U. S. Savings Bonds Div., Treasury Dept., has been promoted to advertising manager. His responsibilities include radio and tv promotion.

Marjorie Spriggs Gilchrest succeeds Mr. Boyer as assistant to Edmund J. Linehan, division



MR. BOYER

MRS. GILCREST

director of advertising and promotion. She joined the bond radio unit in 1941 and was chief two years. After a post-war public relations stint, she rejoined the bond division in 1951.

TWO STAY REQUESTS DENIED BY COURT

Court appeals against the grants of ch. 12 to Milwaukee and ch. 8 at Muskogee, Okla., denied. In third action court denies request seeking to dismiss CBS application for ch. 11 in St. Louis.

REQUESTS for stay orders against Milwaukee Area Telecasting Corp. (ch. 12 Milwaukee) and KTVX (TV) Muskogee, Okla. (ch. 8) were turned down last week by the U. S. Court of Appeals in Washington.

The court also denied a petition calling for the dismissal of the CBS-KMOX St. Louis application for St. Louis ch. 11.

No reasons were given in any of the three rulings.

Stay in the Milwaukee ch. 12 case was asked by WCAN-TV Milwaukee, operating on ch. 25 [B•T, Aug. 9]. The uhf station appealed from an FCC refusal to accept its application to change from ch. 25 to ch. 12. The Commission refused to accept the application on the ground that it was filed after the Milwaukee ch. 12 hearing had begun. Under FCC rules, no new application may be filed after 30 days before a hearing commences.

The Milwaukee Area Telecasting grant came after competing applicants WFOX and WEMP Milwaukee and Koloro Telecasting Co. agreed to merge with Milwaukee Area.

Concurrently with its appeal to the court for a stay order, WCAN-TV lodged a Sec. 309(c) protest with the FCC against the grant. Last week the Commission denied the WCAN-TV protest on the ground that the grant was made after a hearing.

The protest rule provides that objections can be made only to grants made without a hearing.

Protest Rule Provision

In its denial, the Commission scored the uhf station's activities in connection with the Milwaukee ch. 6 and ch. 12 cases (WCAN-TV after numerous legal moves was finally admitted as a party in the ch. 6 hearing for Whitefish Bay; it still has an appeal against the allocation pending before the appeals court).

The FCC said:

"... we agree with MATC's [Milwaukee Area Telecasting Corp.] contention that Midwest's [WCAN-TV] action here is part of a 'calculated campaign to prevent the establishment of any additional television service in Milwaukee.' We wish to emphasize that the Commission fully appreciates the role of 'private attorneys-general,' that is, the special status of those who, because of their special interest, are well qualified to bring to the Commission's or the court's attention possible contraventions of the public interest. Petitioner's activities here, however—all patently aimed at delay and utilizing unsubstantial grounds—appear to us to fall considerably short of the proper role of such a private attorney-general...."

Among the allegations WCAN-TV made in its protest against the merged Milwaukee Area grant was that possible common ownership of 10 tv stations was involved. It also questioned (1) the financial ability of Milwaukee Area to build the proposed ch. 12 station, (2) whether the grantee was the "real party in interest" in the grant and (3) the propriety of the \$30,000 payment to Koloro Telecasting Co.

The Commission termed these charges "unconvincing," "vague," and "conjectural."

In the Muskogee case, KCEB (TV) Tulsa sought a stay of the FCC's grant to Tulsa Broadcasting Co. (KTUL Tulsa) for ch. 8 in Muskogee [B•T, Aug. 9]. It claimed that the proposed KTVX (TV) Muskogee would in fact

be a Tulsa station and that this violated the allocation table. Its appeal to the court was from an FCC denial of its protest on the ground that the Muskogee grant came after a hearing. The protest provision in the Communications Act is applicable to grants made without a hearing. Grant to Tulsa Broadcasting Co. came after competing applicants *Muskogee Phoenix* and *Times-Democrat* and Ashley L. Robinson withdrew after the beginning of the hearing.

KCEB, which operates on ch. 23, claimed that the Tulsa Broadcasting Co. was promoting its Muskogee station as a Tulsa outlet "with no conversions necessary" to the detriment of uhf. It also claimed an overconcentration of control in that John T. Griffin and family own KTVX, KATV (TV) Pine Bluff, Ark., KTUL Tulsa, KOMA Oklahoma City, KFPW Fort Smith, Ark., and 50% of KWTU (TV) Oklahoma City.

St. Louis Amusement Co., mainly owned by the Fanchon & Marco theatre chain, asked the court to overrule the FCC and order the Commission to dismiss the CBS application for St. Louis' ch. 11. It argued that CBS was the best qualified of the five applicants, but it claimed CBS already had the limit of five tv stations and was ineligible for any more.

The Commission refused to accept this reasoning and the court appeal followed. The Commission held that the court appeal was premature, since the hearing was still underway and its final result not yet decided. The court apparently agreed with this viewpoint.

Rulings were made by Chief Judge Harold M. Stephens, Circuit Judge Henry W. Edgerton and Third Circuit (Philadelphia) Chief Judge John Biggs Jr.

In the Milwaukee ch. 12 case, Benedict P. Cottone represented WCAN-TV, J. Smith Hentley, the FCC and Harry Plotkin, Milwaukee Area. The Muskogee case was argued by Arthur Scheiner, for KCEB; Stanley Neustadt, for the FCC, and Frank Roberson, for KTVX. Russell Hardy represented St. Louis Amusement Co. and FCC General Counsel Warren Baker, the FCC.

Senate Delinquency Group Hits at Block Programming

BLOCK PROGRAMMING came in for serious criticism in a report released by the Senate Juvenile Delinquency Subcommittee last fortnight.

Sen. Robert C. Hendrickson (R-N. J.) said the report was based on some early answers to queries sent to 152 leading radio-tv editors in the nation.

Although most of the writers defended the industry and opposed any regulatory reforms, heavy criticism was directed at the system of block programming. Some editors said they had "suspicions," but no evidence that horror stories have a deleterious effect on young minds.

Sen. Hendrickson said he stressed in his letter that "hundreds" of American parents have protested increasing crime and violence on tv, believing they contribute in some way to juvenile delinquency.

Parents, too, got their share of criticism, one editor saying parents leave their children with the tv set as "a sort of electronic baby sitter," with no guidance. Editors indicated that while tv is a mass medium and must be so programmed, responsibility should be shared between industry and parents.

Many parents also set a poor example for children by watching "phony wrestling matches and morbid, low-level soap operas," one editor was quoted as saying.