

orders, but to talk over policy and administration. But did McConnoughey or Doerfer see Ike? Either he was too busy or there was Sherman Adams to bar them." This was a Democrat speaking, naturally.

The use of the word "czar" to depict what Mr. Landis has in mind for the White House office of administrative oversight is completely erroneous, according to some who are close to the New York lawyer.

His recommendation that there be an office in the White House to "oversee" the regulatory agencies is for coordinating purposes, they point out.

The point he makes, they explain, can be illustrated by taking advertising on the air as an example.

"Surely the FCC is involved. So is the Federal Trade Commission, which is supposed to police advertising. But in the case of food and drugs, so are the Food & Drug Administration and the Dept. of Agriculture and perhaps the Dept. of Commerce.

"Today there is the loosest kind of coordination between the FCC and the FTC and virtually none at all with Food & Drug, Agriculture and Commerce. Why shouldn't there be someone whose business it is to consider these inter-relationships and bring together the administrators whose responsibilities cross each other?"

This is just one of the functions such an overseer would perform, it was pointed out. A second, significant purpose would be to cross-pollinate the various agencies on updating procedures and cutting down delays and the cost of doing business before them, it was stressed.

Most of those who expressed an opinion on the Landis recommendations—all of which were not for attribution—took issue with the philosophy that the White House should have greater supervisory powers over the so-called independent agencies. One old-line communications lawyer, however, expressed agreement with this viewpoint.

"After all," he said, "they've been floating around in limbo too long. They ought to belong somewhere, and the executive department is the only real place for them."

FCC Ire ■ Several FCC sources were irate at Mr. Landis' reflections on that agency.

"He kept harping on the vhf-uhf situation," one said. "He doesn't know that at one time the FCC had a full vhf allocation for tv which covered 30 channels. This was before the war. The military took most of these away from us in World War II, and never gave them back to us."

A former FCC staff executive disagreed with Mr. Landis' estimate of the qualifications of the FCC staff.

"The competence is there," he as-

serted. "Only it's chained, held in check because the commissioners are so touchy about being accused of staff domination they rebuff any suggestions that seem unpopular."

Some of the Landis suggestions for improving the efficiency of the FCC are already underway, it was pointed out.

The commission is studying the possibility of dividing itself into panels in order to permit quicker action on cases. It is also considering revision of the law to make appeals to the full commission discretionary, instead of automatic as they now are.

Another vital procedural change under study is the use of summary decisions. This would permit the FCC to issue a grant without a hearing where one applicant was so superior to the others that there is no question about who would be chosen after a hearing. This too, requires legislation.

These studies were announced by FCC Chairman Frederick W. Ford in his year-end report two weeks ago (AT DEADLINE, Jan. 2).

It was pointed out that the Federal Communications Bar Assn. and the Assn. of Federal Communications Consulting Engineers have several committees working on revamping procedures in the interest of overcoming delays and expense.

An American Bar Assn. committee on administrative process is also working along these lines.

Paul H. Chapman Co. against sale control

A station broker last week listed 16 reasons why he thought the FCC should not adopt its proposed rule to require a licensee to operate his station for at least three years except in special circumstances (BROADCASTING, Dec. 12, 1960).

Paul H. Chapman, president of the Atlanta brokerage firm bearing his name, said that the net effect of the rule may be opposite that intended by the commission by decreasing the number of stations on the market. "By restricting the sale of properties . . . the commission would be restricting the supply," Mr. Chapman said. "To this extent there would be a lesser supply and consequently a higher price and profit on trading." The rulemaking should not be enacted for these additional reasons, he said:

It is based on unsound economics; it would unjustly favor the rich and discriminate against the poor; it would discourage local ownership, owner-operators and broadcasting careers; concentration of control may be a result; investment in stations needing financial rehabilitation would be discouraged; it may weaken rather than strengthen the law on transfers; it would be a step backward and discourage

progress; delays caused by hearings could result in deterioration of service by stations involved.

"A businessman [station owner] should have the right to fail as well as succeed," Mr. Chapman pointed out. Comments in the rulemaking, designed to curtail trafficking in broadcast properties, are due Jan. 16.

WSPA-TV is subject of dual decision

In what amounted to a two-way decision, two FCC hearing examiners stated that Spartan Radiocasting Co. (WSPA-TV Spartanburg, S. C.) was qualified to hold a broadcast license but at the same time recommended that a 1954 grant to change WSPA-TV's transmitter site be set aside because of misrepresentations.

The decision came on a third court remand, on protest of WAIM-TV (ch. 40) Anderson, S. C., of ch. 7 WSPA-TV's transmitter move from Hogback Mountain to Paris Mountain. The station never constructed at the Hogback site, granted in 1953, and went on the air from Paris Mountain in 1956.

Examiners James Cunningham and Herbert Sharfman, in a New Year's decision, said that the past broadcast record of Walter Brown, Spartan president, and the company is "a commendable one . . . excellent." "It is held that Spartan has succeeded in overcoming the effect . . ." of misrepresentation, ruled by the court as to its proposed transmitter site, the examiners ruled. They said the record is marred by WSPA-TV's handling of the pay tv issue; "but against this one program shortcoming must be set a generally commendable broadcast record."

On the other hand, the examiners stated: "To say the least, there can be no question . . . that Spartan had no fixed intention to locate its permanent transmitter on Hogback. . . . The standard proposed by Spartan [for Paris Mountain interim operation] would sanction an inferior use. . . ."

Four issues in the hearing concerned network affiliations available to WSPA-TV from its original Hogback site with the principal contention being that the shift was made to secure a CBS-TV affiliation. Spartan failed to satisfy the examiners on all four issues and therefore it was recommended that the transmitter grant be set aside.

WSPA-TV now has an application pending to locate its transmitter on a third South Carolina mountain, Caesars Head. This application, along with WSPA-AM renewal, has been retained in the pending file until a final decision on the instant case. The am operation originally was renewed Nov. 30 but this action was set aside by the commission on the last work day of 1960.