

time for matters that become ripe for either oral argument or commission action. In addition, chairman told commission that some scheduled meetings may be pre-empted to consider new items that may arise.

Scott, Ervin head toward showdown on performer, record maker rights

Copyright revision bill (S. 1361) got off to shaky start on Senate floor last Friday. Introductory remarks by bill's sponsor, Senator John McClellan (D-Ark.), were stopped short when senators began talk of sending bill back to Judiciary Committee, where it originated. Stumbling block is Section 114, establishing performance royalty for recording artists and record manufacturers, supported by Senator Hugh Scott (R-Pa.). Senator Scott conceded that amendment by Senator Sam Ervin (D-N.C.) to delete performance royalty fees for broadcasters, juke box operators and other users of recorded works, will likely pass if voted on now, and he wants to avoid record vote on performance royalty, would rather section be removed in committee so it could not be said that Senate voted it down this year. Senator McClellan suggested that if bill is recommitted, Judiciary Committee is not likely to act on it until House passes its own copyright bill in future year.

It was agreed to schedule vote on Ervin amendment for today (Sept. 9). Senator Scott, however, is not precluded from calling for vote to recommit before Ervin amendment vote, move he is said to be considering. Senator Scott asked Senator Ervin to be "gracious winner" and agree that Section 114 merits further hearings next year. But Senator Ervin would not give inch. "If it's deleted, it's dead," he said. Senator Scott told members he has been working on performance royalty issue since 1944. "This is a good amendment," he said. "I don't want to lose it forever." Said Scott aide: "We're just going to have to be as stubborn as everyone else."

In introducing his amendment, Senator Ervin called performance royalty "tax" on broadcasters and juke box operators. Establishment of royalty would be "constitutionally unsound and economically unwise," he said. Constitution says Congress shall have power to secure for authors and inventors exclusive right to their writings and discoveries. Performance royalty goes against Constitution, Senator Ervin said, because performers and manufacturers cannot be considered "authors" of works they record.

CBS faults proposed premium ad ban

Federal Trade Commission's proposal to ban TV advertising of premium offers to children (*Broadcasting*, July 1, et seq.) "grossly" discriminates against television, raises serious constitutional and statutory questions, assumes premiums are harmful without demonstrating that they are, pretends they're new when they are not, is unnecessary, would not accomplish its avowed purpose anyway and, in fact, would result only in redistribution of premium-advertising money from TV to other media. Those are among faults CBS Inc. finds in FTC's proposal in brief being filed with FTC today (Sept. 9). CBS goes further to suggest that FTC staff issued premium-ban proposal in form of "guide" because, that way, it can "evoke industry compliance" without being obligated to produce "substantial evidence" needed to support a "rule." And toward end of 59-page array of legal and factual arguments against proposal, brief also offers personal suggestion: That FTC members and staff "consider whether, as children, they ever responded to (premium) offers, and if so, whether they believe that the premiums injured them or offended public policy."

Sept. 9 had been deadline for comments, but FTC staff is expected to ask commission for extension; approval is considered likely.

Reasoner, Moyers, Cronkite big winners among news Emmies

Harry Reasoner, *ABC Evening News* anchorman, and Bill Moyers, formerly of PBS' *Bill Moyers' Journal*, received "Emmy" awards as "outstanding TV news broadcasters" of 1973-74 from National Academy of TV Arts and Sciences. Mr. Moyers received award for Oct. 31, 1973 "Essay on Watergate," Mr. Reasoner for March 19, 1973-June 30, 1974 *ABC Evening News* contributions.

Winner of most news Emmies was Walter Cronkite, *CBS Evening News* anchorman, for participation in network's TV interview with exiled Russian novelist Alexandre Solzhenitsyn, documentary on Rockefeller family, *Evening News* report on resignation of Vice President Spiro Agnew, and *Watergate: The White House Transcripts* report.

CBS News won 12 awards, PBS won eight, ABC News won four, NBC News won three. Five non-ABC produced programs broadcast on that network won eight awards.

Elkhart UHF sold for \$3.2 million

WSJV(TV) Elkhart-South Bend, Ind., has been sold by Truth Publishing Co. to Quincy Newspapers Inc. for \$3.2 million, subject to FCC approval. Truth Publishing is owned by John F. Dille Jr. (53%) and Walter R. Beardsley (47%), and publishes daily *Elkhart Truth*. Principals also have similar interest in Truth Radio Corp., licensee of WTRC(AM) and WYEZ(FM) Elkhart. Mr. Dille Jr. with son, John Dille III, owns Pathfinder Communications Corp., licensee of WCUZ(AM) Grand Rapids, Mich., and WMEE(AM) and WMEF(FM) Fort Wayne, Ind. F.M. Lindsay Jr. is chairman and Thomas A. Oakley president of Quincy Newspapers, which publishes daily *Quincy* (Ill.) *Herald-Whig*, has 88% interest in WGEM-AM-TV Quincy and owns 100% of WGEM-FM. Ownership is in several family trusts; 50% is split among various members of F.M. Lindsay family, which also has interests in Lindsay-Schaub Newspapers Inc., owner of several Midwestern dailies, WSOY-AM-FM Decatur, Ill. and WLAP-AM-FM Lexington, Ky., and 20% interest in WCIA(TV) Champaign and WMBD-AM-FM Peoria, both Ill., and KFMB-AM-FM-TV San Diego.

WSJV is an ABC affiliate on channel 28 with 410 kw visual and 40.7 kw aural and antenna 1,086 feet above average terrain. Broker: Blackburn & Co.

In Brief

Summitting. Five media and agency chief executives are among leaders invited by President Ford to forthcoming summit conference on economy: Arthur Taylor, CBS president, who advocated summit on inflation in Washington speech delivered while Richard Nixon was President (*Broadcasting*, July 22); Robert Sarnoff, RCA chairman; Katharine Graham, chairman, Washington Post Co. (Post-Newsweek Stations); Andrew Heiskell, chairman, Time Inc., and Mary Wells Lawrence, president, Wells, Rich, Greene.

More muscle against pay TV. National Association of Broadcasters is about to beef up Special Committee on Pay TV in anticipation of extended fight to protect mass-audience attractions against raids by pay cable. Capital Cities' Willard E. Walbridge will stay on as chairman, but search is on for vice chairman to take active role in fund raising. Charles H. Tower of Corinthian stations has been asked to take assignment, and his decision is due this week. Richard Jencks, CBS Washington vice president, will be added to committee, as will be member or two from NAB television board. Project is baby of Wilson Wearn of Multimedia stations, chairman of NAB TV board. So far committee has