

a daytimer. It has proposed 20 minutes of commercial time per hour normally, and 24 minutes during the months of November, December, January and February. The commission's guidelines set a limit 18 minutes per hour normally. In support of his proposal, George Dodds, the licensee, said that as a daytime-only, the station has to carry more commercial time per hour.

Commissioner James H. Quello felt inclined to leave the matter to the station. "I'd let him do what he wants at his own risk, and it's a big risk"—in terms of losing listeners. But the commission decided to advise the station that unless the proposal is amended, its renewal will be set for hearing.

One element of the case the staff found puzzling is that the station rarely if ever sells as much as 18 minutes of commercial time per hour.

The UHF stations whose renewals were before the commission were WUTR-TV Utica, N.Y., and WEZF-TV Burlington, Vt., both ABC affiliates. They claimed they lacked the financial resources to meet the 5% standard. The staff recommended renewal because its analysis indicated that the stations were, over-all, meeting the needs and interests of the areas they serve. The commission tentatively accepted the recommendation, but directed the staff to inform the stations they would be expected to meet the 5% standard when their financial conditions—which are improving—permit.

## Farber decision sobering note to otherwise upbeat RTNDA

**As annual convention is under way, 'Times' reporter is sent back to jail—an unwanted reminder to the record number of broadcast journalists attending that their rights are under continued pressure**

If there was a cause celebre at last week's Radio Television News Directors Association annual convention in Atlanta, it was the case of Myron Farber, the *New York Times* reporter sent to jail, released and now ordered back for refusing to turn over his notes to a court in a New Jersey murder trial.

Even before word reached the conferees at the Atlanta Hilton midway through their meetings that the New Jersey Supreme Court had upheld contempt charges against Mr. Farber, his defense was pleaded by various speakers, notably NBC News President Lester Crystal.

RTNDA members were about to take up a resolution condemning prior court actions against Mr. Farber Thursday morning when they heard of the higher court ruling (opposite page). Outgoing RTNDA

President Ernie Schultz of KTVY(TV) Oklahoma City then wrote a statement saying the organization "deplores the ruling" and surely would "direct the officers to proceed in vigorous legal support of Myron Farber."

From incoming RTNDA President Paul Davis of WCIA(TV) Champaign, Ill., (who began his tenure Friday) came the remark that he used to be in favor of only "limited privilege" for reporters but "may change" his opinion because of the ruling. RTNDA Dowd, Washington said that perhaps the New Jersey Supreme Court decision might foster "more unanimity for a federal shield law."

(One government official who came across in a better light was President Jimmy Carter, who sent, via telegram, the message that RTNDA "has continued and strengthened its strong tradition of fighting to protect the full First Amendment rights of all reporters, including broadcasters." Mr. Carter's message outlined ways in which he said the administration has been helping broadcasters to be "free from undesirable outside interference.")

Organizationally there was good news. Over-all attendance unofficially was placed at more than 1,000 when spouses and exhibit personnel were included. Up about 100 over last year were the 730 working newsmen in attendance. Another record was broken by exhibitors, up from 39 to 46.

Financially, the RTNDA was said to be

## In Brief

In **reorganization of NBC Radio**, division as such is being abolished and separate AM, FM and network radio units created. **Jack G. Thayer**, president of NBC Radio division, becomes executive VP, special projects, broadcasting; **Robert Mounty**, VP, NBC-owned radio stations, becomes executive VP, AM radio stations; **Walter R. Sabo**, who has headed ABC Radio's FM network, becomes executive VP, FM radio stations, and **Richard P. Verne**, VP and general manager of radio network, becomes executive VP, radio network. All four will report to Irwin Segelstein, NBC executive VP, broadcasting. NBC President Fred Silverman, announcing changes, said they were designed to advance "our long-term commitment to radio and our determination to become the leader in radio broadcasting." He said Mr. Thayer will concentrate on planning and developing special projects that show promise, such as creation of additional networks, both AM and FM, and station acquisition.

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Matthews

**Leonard S. Matthews**, president of Young & Rubican National, named **president of American Association of Advertising Agencies**, effective around end of year. AAAA Chairman John S. Pingel of Ross Roy Inc. said Mr. Matthews, 56, was unanimous choice of AAAA directors after nine-month search for successor to John H. Crichton, who died last December (BROADCASTING, Jan. 2). Mr. Matthews's Washington service (assistant secretary of commerce, 1975-77) and AAAA's new activist role in Washington were said to be important factors in his nomination and his acceptance. Former president of Leo Burnett Co., he joined Y&R as president of its national division on leaving Washington. **William Hesse**, AAAA Washington head who has served as interim president, will continue in latter role until Mr. Matthews takes over, has agreed to defer mid-1979 retirement until year end.

**Proposed fee-refund schedule** being developed by FCC staff is said to provide for "substantial" repayments—**much more than 50%** in many cases, **up to 90%** in some. Proposed "cost-based" refund schedule (BROADCASTING, Aug. 7) is one of three elements in draft notice of inquiry commission will consider Wednesday (Sept. 27). Another involves proposed fee schedule that could be developed under existing legislative authority; another would be spectrum fee proposal, written in "theoretical, economic terms," that would require new legislation. Like spectrum fee proposal in proposed Communications Act rewrite, it would be based on spectrum-scarcity concept.

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**Home Box Office** announced it has leased its fourth RCA Satcom I transponder to introduce **second pay cable service**, designed as family-oriented daily programming for systems wishing to offer lower-priced package than present service, starting about Jan. 1. It will carry no sports or R-rated films but will include *Movie of the Week*, new G or PG theatrical films usually shown 60 days after original HBO appearance; *Center Stage* performances by leading entertainers; *Family Theater* series of G-rated films; *Passport* series ranging from popular entertainment to cultural events and *Merry-Go-Round* series of children's programs.

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ABC News says **independent investigation by outside law firm** found allegations against documentary *Youth Terror: The View From Behind the Gun*, to be "**unjustified.**" Law firm's report has been surrendered to FCC, which is looking into charges by Black Producers Association that scenes in program were staged (BROADCASTING, Aug. 7, et seq).

Communications arena would make **good case study of government wasting tax money**, **John Summers**, National Association of Broadcasters executive VP-general manager, told Minnesota broadcasters last Friday. Reimbursement of citizen groups for agency participation is example he cited, saying such program has been used at FTC to fund groups biased in favor of commission's proposed children's TV advertising restrictions. Taxpayers shouldn't have to fund citizen groups at FCC, where reimbursement has been proposed, he said, arguing that if groups