

000. Also approved was Mr. Jolley's sale of 500 shares to the station's licensee, Las Vegas TV Inc., for \$270,000.

Dissenting were Comrs. George C. McConnaughey, John C. Doerfer and Robert E. Lee. In a strongly worded statement, Comr. Doerfer said: "Our investigation indicates that Herman Greenspun was tried for, pleaded guilty to and admitted violations of the Neutrality Act in shipping a load of arms from California to Mexico with the destination as Israel. He was sentenced on July 17, 1950, to a fine of \$10,000. This entails a loss of civil rights. He cannot vote; he cannot serve on a jury; he cannot hold public office. . . . We should exercise extraordinary caution in passing upon character qualifications of applications. . . ."

Comr. Lee stated: "I could not vote for him [Mr. Greenspun], in the public interest, pending restoration of these rights so that he could participate more fully in the community with respect to voting, serving on federal juries, etc."

Mr. Jolley formerly owned 41.5% of KLAS-TV; Mr. Greenspun, publisher of the *Las Vegas Sun*, 36.6%. The CBS affiliate operates on ch. 8 with 55 kw.

Radio Hawaii Inc. Authorized To Buy 50% of Station WSMB

RADIO HAWAII Inc. was authorized last week by the FCC to buy 50% of WSMB New Orleans for \$90,000. Comr. Robert T. Bartley voted to send a McFarland letter, and Comrs. John C. Doerfer and T. A. M. Craven abstained. The half-interest in the 5 kw, ABC-affiliated station (on 1350 kc) is being bought from Paramount Gulf Theatres Inc., a subsidiary of American Broadcasting-Paramount Theatres Inc. Radio Hawaii owns KPOA Honolulu, WTAC Flint and 50% of KTVR (TV) Denver. A letter from Todd Storz (Storz stations) urging that the Commission investigate WSMB's promotional practices and charging that a Radio Hawaii program executive was directing WSMB program activities before FCC approval was denied by the FCC. The Commission said it had carefully considered the allegations, but found that the transferee was eligible and that the grant was in the public interest.

WMID License Is Renewed By 3-2 Vote of Commission

FCC last week upheld a hearing examiner's initial decision and granted the license renewal of WMID Atlantic City, N. J. At the same time, the Commission dismissed an application for sale of the station at the request of the majority owner, Richard Endicott. The license renewal had been questioned because of purported hidden ownership and the broadcast of horse racing information.

The Commission ruled that there was no evidence of undisclosed ownership and that a renewal of WMID's license would be in the public interest. Commissioners Rosel H. Hyde and John C. Doerfer dissented; Commissioners Robert T. Bartley and T. A. M. Craven abstained.

FULL SENATE ASKED TO FCC QUIZ

MEMBERS of the FCC will march up the Hill Tuesday morning. How they come down again will depend in part on the United States Senate.

While the Interstate and Foreign Commerce Committee voted to postpone indefinitely official consideration of its staff report on toll tv the report was critical of the FCC [B•T, Feb. 18] and its lack of willingness to "exercise its responsibility" in the words of Sen. John O. Pastore (D-R.I.).

The committee has invited the entire Senate to the hearing and is primed for two days of public hearings with the full Commission. "At least two mornings," was the way Chairman Warren G. Magnuson (D-Wash.) put it.

The basic issue from the committee point of view has been the apparent unwillingness of the FCC to take a stand on toll tv.

Said Sen. Pastore: "The FCC has had this thing since September 1955. Maybe the staff report is right. It should be tested. But the issue is not the responsibility of the committee. The responsibility lies squarely with the Commission."

Sen. Magnuson said: "If they think they need new legislation to cope with the issue, then they should bring their legislation up here and let us give it consideration."

The Washington senator has extended a written invitation to every member of the Senate to attend the hearings and "participate in it with respect to any communications matters in which you are interested."

His letter of invitation said he had been approached by "many senators about matters falling within the jurisdiction of FCC" either because of local problems in their states or because "of general concern for the fullest and freest development of our communications system."

While not all of the committee members want toll tv, the demand for Commission action has mounted so that even committee members who would oppose a toll system such as George Smathers (D-Fla.) and William A. Purtell (R-Conn.) want tests anyhow. Both committee and staff want FCC action and they want it promptly.

Harold E. Fellows, president of NARTB, has said toll tv would violate the rights of millions of Americans who bought tv sets with the idea that television programs are free.

Sen. Smathers has expressed the view that "pay tv would deprive the people of this country of their legitimate right to free entertainment."

According to Sen. Magnuson, the committee will "undoubtedly" use the staff report as a basis for questions to the FCC. He added that other issues would "naturally" come up and that is why he invited the 81 senators not on the committee.

This leaves the entire scope of radio and tv open for questions. The committee staff in general has the view the hearings may go longer than two mornings. Much will depend on how many of the senators have acute problems before the Commission, how busy they are with other committee work

and how much time they will be able to give to the Commerce Committee hearings.

Meanwhile the Commission also will go before the House Commerce Subcommittee, which is under the chairmanship of Rep. Oren Harris (D-Ark.), for a general review in an informal public hearing March 7.

The House hearing will be in the nature of a briefing, in effect a semi-annual report on general actions developments of the Commission since the last session of Congress.

Final Testimony of Ailing Patt Taken at Hearing in Hotel Room

JOHN F. Patt, president and minority stockholder of WJR Detroit, completed his testimony last Thursday in the Mayflower Hotel, Washington, D. C., before FCC Hearing Examiner Herbert Sharfman in the Flint, Mich., ch. 12 case.

WJR received the ch. 12 grant in 1954 and soon afterward filed for authority to move its transmitter site, which resulted in a protest by the other applicants, WFDF Flint and W. S. Butterfield Theatres Inc. Mr. Patt testified, among other things, on the modification request efforts to gain a network affiliation for the new station. The hearing was held in the Mayflower because of the health of the witness [B•T, Feb. 11].

The hearing was recessed until March 14 at which time WJR correspondence and interoffice memoranda relating to the proposed move are expected to be made a part of the record.

The Commission last week turned down a request by the Broadcast Bureau that the case go directly to FCC for a final decision without an examiner's initial decision and a counter proposal that the record be certified to the Commission for an initial decision. The commissioners held that a decision by the examiner would assist them in reaching a final disposition of the case. Commissioners T. A. M. Craven and Richard Mack abstained from voting.

Appeals Court to Hear Arguments On Petitions to Stay WKAT Grant

THE U. S. Court of Appeals in Washington will hear argument Thursday on the petitions of WKAT Miami Beach, Fla., and Eastern Airlines Inc. to stay the Feb. 8 grant of Miami, Fla., ch. 10 to Public Service Inc., a subsidiary of National Airlines Inc. [B•T, Feb. 11, 18]. Both WKAT and Eastern Airlines have appealed the FCC's grant, raising issues regarding ownership of a tv station by an airline and the Commission's refusal to reopen the record to consider this among other points.

The FCC issued its final decision in the Miami ch. 10 case early in February. It favored Public Service Tv Inc. because of "superior" preference in the issue of integration of ownership and management and equal preferences with the other applicants in other criteria. In addition to WKAT, which was favored in an initial decision by a hearing examiner, other applicants were WCKY Cincinnati and North Dade Video Inc.