

The Hound's Tooth

PRESIDENT Eisenhower lost no time in filling the vacancy created by the forced resignation of Richard A. Mack from the FCC. In selecting John S. Cross, assistant chief of the Telecommunications Division of the State Department, the President picked up the first name on the eligible list. Capt. Cross had been an active candidate for the identical post when Mr. Mack was appointed three years ago.

Perhaps Capt. Cross' greatest asset in his selection was his availability and his pending candidacy. He can't be classified as a controversial figure. He has spent a dozen years at the State Department, all in telecommunications. He has been a delegate or advisor at some 18 international conferences in the last dozen years. He was in communications in the Navy during the war.

While Capt. Cross is not well-known among broadcasters, he is acquainted with many engineers identified with international allocations. He's no striped pants cookie pusher in career diplomacy, but rather a tough-minded bureaucrat with a sense of humor who admittedly has had his eye on the FCC for all the dozen years he has been with the State Department.

Because of the very events that precipitated the Mack resignation, more than ordinary importance attaches to the Cross nomination. While the selection of Mr. Cross was made at the White House staff level and cleared by Assistant to the President Sherman Adams, the responsibility for appointment lies solely with the President. It is a function he cannot delegate.

With the nomination made, the Senate Commerce Committee now has the responsibility for undertaking a careful examination of Capt. Cross' qualifications and background, before recommending to the Senate that his nomination be approved or rejected. In all too many cases in the past involving administrative agencies, the Senate Committee examinations have been superficial. Once a nominee is found fit, the Senate should expect him to carry out his responsibilities without undue interference (or pressure) from members of Senate or House.

Capt. Cross may not possess all of the attributes that would make for an ideal commissioner. In the present climate, a man possessing them probably wouldn't accept an assignment on the FCC at quadruple the \$20,000 salary. Mr. Cross may not even get along too well with all of his prospective new colleagues. But he does have an engineering-allocations background which should prove helpful in grappling with the FCC's unending problems. And we have no doubt that he's as clean as that hound's tooth President Eisenhower has been talking about.

Same Old Tune

THE ASCAP songwriters who are supporting Sen. Smathers' bill to divorce broadcasters from ownership in BMI are basing their case largely upon a phony allegation.

The allegation is that because broadcasters own BMI they favor BMI music and discriminate against ASCAP tunes.

The allegation has not been proved, and it won't be. It can't be.

Every reliable piece of statistical information proves that broadcasters choose music for its popular appeal and not for its connection with any licensing agency. We are sure that when the Communications Subcommittee of the Senate Commerce Committee hears the facts from broadcasters and BMI when it comes their turn to testify, the absurdity of the songwriters' charges will be evident.

Meanwhile, we have accumulated some information of our own which we respectfully call to the subcommittee's attention.

At the first annual disc jockey conference held by the Storz Stations we asked leading d.j.'s if it made any difference to them in selecting music for their shows whether the music was BMI or ASCAP. Of 89 important disc jockeys who completed that part of BROADCASTING's questionnaire only four said they took the licensing authority into consideration. Of those four three said they tended to favor BMI music, and one favored ASCAP. One added the illuminating comment that he was in no position to know whether a song was ASCAP or BMI.

If there is a conspiracy to throttle ASCAP, it is a conspiracy without the conspirators who would be essential to its success. The disc jockeys who answered BROADCASTING's questionnaire are the men who choose the music that is played on radio. Their answers



Drawn for BROADCASTING by Sid Hix

"What we need is a rash of losers on that quiz show."

make it plain that they make their choices for reasons having nothing whatever to do with ASCAP or BMI.

A secondary allegation which the ASCAP witnesses have made is that BMI is debasing musical culture by promoting rock 'n' roll.

We yield to no one in our personal dislike of rock 'n' roll, but we cannot agree that BMI has cornered the market in musical trash. A list of ASCAP titles contains items which are vulgar in the extreme. A good deal of music is published under both ASCAP and BMI licenses without regard for the elevation of the country's musical tastes.

But to kill or incapacitate one of the two major licensing authorities would be no guarantee of an improvement in the cultural level of American music. A monopoly would be under no greater compulsion to produce fine music than the two big organizations now in competition are. Indeed a monopoly, by its very power, could accentuate debasement.

The ASCAP songwriters who encouraged Sen. Smathers to introduce his anti-BMI bill and who are arranging the testimony in support of it have been harping on the same theme a long while.

The principal features of the case they are presenting in the Communications Subcommittee hearings are identical with those of the case they presented a year and a half ago to the Antitrust Subcommittee of the House and with those of the federal court case they filed several years ago.

One forum for this case ought to be adequate, and the appropriate forum—which the ASCAP songwriters themselves first chose—is the federal court.

Twice they have been warned by the court to quit trying the case outside the courtroom. The most recent warning came last week. If the ASCAP songwriters fail to abide by a double admonition it will clearly mean that they have abandoned hope for winning anything in a trial under present laws and have staked their future on changing the laws to suit their own fortunes.

John J. Dempsey

BBROADCASTERS lost a good friend and the nation a distinguished and dedicated public servant in the death last week of Rep. John J. Dempsey (D-N. M.). He was 78.

Nearly 20 years ago Mr. Dempsey led the effort to establish the House Radio Gallery in the first move to give the radio news reporter privileges on a parity with those of the press in covering Congress. It was not an easy or popular undertaking because the old-line "press" offered formidable opposition.

It was on May 20, 1939, that the House Radio Gallery was established. There followed in rapid succession creation of the Senate Radio Gallery and White House and other departmental recognition. This spread through state and local governments. And 10 years later the right to editorialize was enunciated by the FCC.

In extending our sympathy to Rep. Dempsey's bereaved family, we also suggest that a fitting memorial to him by a grateful broadcasting medium would be the creation of a Dempsey award for meritorious achievement in broadcast news reporting or editorializing.