

Now a judge tries ban outside courtroom

A photographer for WLAC-TV Nashville, Tenn., was jailed for four hours on contempt of court charges after he took pictures outside the courtroom of a defendant in a murder trial.

Incident occurred June 16 at Springfield, Tenn. During the noon recess, according to photographer Lew Penuel, the defendant and circuit Judge Thomas Boyers III, the presiding jurist, were going down a back stairs. The photographer quoted the judge as telling him: "I have talked with the defendant and he doesn't want his picture taken. Don't take any pictures here."

Mr. Penuel said he continued taking pictures, reasoning "that if I was going to do my job and get the pictures, I would have to go ahead and shoot the pictures and take the consequences."

Placed under arrest and told he would have to serve two days in the Robertson county jail, Mr. Penuel was ordered released by the judge four hours later. The judge was quoted as saying he felt Mr. Penuel "had served enough time."

The camera that had been confiscated, in the meantime, had been turned over to a WLAC-TV reporter. The film was intact and was shown on the station's newscast later that day.

Mr. Penuel said that, prior to the incident, he had been informed that Judge Boyers did not allow TV cameras in the courtroom. The photographer added, that while he honored this rule, he felt the judge did not have authority to prohibit picture-taking outside the courtroom. The jury in the case was sequestered. Judge Boyers declined to com-



WLAC-TV photographer Penuel behind bars in the county jail.

ment.

The *Nashville Tennessean* did comment the next day. Labeling the incident as an "insulting blow to free press," the newspaper's editorial asked: "If a judge can prevent a newsman from doing his duty in a stairway outside the courtroom, there is no reason why he could not attempt to do the same in the street outside or in a restaurant a block away."

out that the all-industry committee is trying to get the ASCAP rate reduced.

22% ASCAP Cut Sought - The letter didn't say so, but it appeared that the committee hopes to win from ASCAP a reduction that will more than offset the 12.5% increase granted BMI.

In its own letters to all its radio station licensees this week, BMI reviews the increased use of BMI music that was pointed up in the all-industry group's letter.

"The rate increase of 12.5% tendered in the attached license renewal is thoroughly justified by the substantial increase in the use of music in the BMI repertoire," the BMI letter asserts, "and, indeed, it is a recognition in modest measure of this increased use

of music created by the thousands of independent copyright owners who have chosen BMI to license their performing rights. . . .

"Although the renewal will not become effective until Oct. 1, 1966, we ask that you return to us as promptly as possible both copies of the [enclosed] renewal agreement properly executed by you so that we may have an adequate opportunity to process it. This will assure that there will be no interruption of your BMI license."

BMI has given no indication that it will seek rate increases from radio networks or television broadcasters, presumably because music does not dominate their operations as it does radio-station programming.

In the BMI negotiations Mr. Mason and his committee have worked closely with their counsel, Emmanuel Dannett of the New York law firm of McGoldrick, Dannett, Horowitz & Golub, who also represents them in the ASCAP litigation.

Other committee members are Elliott M. Sanger, WQXR New York; George Armstrong, Storz Stations; Robert D. Enoch, WXLW Indianapolis; Herbert E. Evans, Peoples Broadcasting Stations; John J. Heywood, Avco Broadcasting Co., and Allen Jensen, KID Idaho Falls, Idaho.

The committee is supported by some 1,100 other radio stations.

Chief negotiators for BMI were Robert B. Sour, president; Sydney M. Kaye, chairman and general counsel, and Justin Bradshaw, vice president in charge of broadcaster relations.

Radio series sales . . .

Jimmie Fidler Hollywood News (Jimmie Fidler in Hollywood Inc.): KTMM Truman, Ark.; WWCH Clarion, Pa.; KIHN Hugo, Okla.; WTMA Charlestown, S. C.; WKYO Caro, Mich., and KCIL Houma, La.

Buy at Home Series (Broadcasters Exchange, Dallas): WCPS Tarboro, N. C.; WDAN Danville, Ill.; WHBB Selma, Ala.; KNCY Nebraska City, Neb.; KEYJ Jamestown, N. D., and KSUE Susanville, Calif.

The First Christmas and Easter The Beginning (Woroner Productions): WEW St. Louis, and KDET Center, Tex.

July 4, 1776 (Woroner Productions): WEW St. Louis and KZAK Tyler, Tex.

Close-Up (Woroner Productions): KDET Center, Tex., and KVIP Redding, Calif.

Point of Law (Signal Productions): WCCM Lawrence, Mass.; KATY San Luis Obispo, Calif., and KOIN Portland, Ore.

Sports Close-Up (Signal Productions): KOAG Arroyo Grande, Calif.

Doctor's House Call (Signal Productions): KICS Hastings, Neb., and WJCD Seymour, Ind.

12 Hours of New Year's (Triangle): WITY Danville, Ill., and WXVA Charles Town, W. Va.

Your Green Garden, Points on Pets and Tips on Tots (Woroner Productions): KDET Center, Tex.

The World of Money and Doctor's Vignettes (Signal Productions): WMIX Mount Vernon, Ill.

Strangest of All (RadiOzark Enterprises Inc.): KWBG Boone, Iowa; KJNO Juneau, Alaska; WBSM New Bedford, Mass.; WBLT Bedford, Va.; KGHL