

performed on radio is licensed by BMI," President Cramer said last week, adding that "our share of music used on television is also at an all-time high."

"During the last 12 months, 25 of the 39 single recordings which sold over one million copies, as certified by RIAA [Record Industry Association of America], were of BMI music. Fifty-three of the 65 albums similarly certified included BMI music.

"Thirty-two of this year's 48 Grammy Awards went to recordings of which BMI music was an integral part." and "BMI music won its eighth Oscar in the past eight years.

"All of this clearly demonstrates the ability of BMI's affiliated publishers and writers to meet the varied music tastes of the American public. We are confident that these negotiations will affirm BMI's present and ever-growing importance as a major supplier of music that the listening public wants to hear and to buy."

Lack of Progress ■ Representative of the All-Industry Committee had no comment last week on the BMI bid for higher rates other than to note—as Chairman Sanger had reported to stations in letters notifying them of the two-month contract extension offer—that BMI thought it deserved higher fees but that in discussions to date "no understanding has been reached."

Negotiations on music performing-rights contracts are traditionally sticky and time-consuming, and it seemed obvious from the contract extension offer that neither side expected to come to terms before the normal expiration date

of Sept. 30.

Mr. Sanger said the committee recommended that stations accept the extension offer but emphasized that each station must decide for itself whether to accept or reject. Presumably most will accept since the alternative would be to operate without BMI licenses after Sept. 30 and risk copyright infringement suits if they continued to play BMI music.

Members of the all-industry committee in addition to Mr. Sanger are Robert D. Enoch, WXLW Indianapolis; Herbert Evans, Peoples Broadcasting; George W. Armstrong, Storz Stations; J. Allen Jensen, KID Idaho Falls, Idaho, and John J. Heywood, Avco Stations. Emanuel Dannett, New York attorney, is counsel to the committee.

Witnesses kept secret in pot-party probe

FCC Chief Hearing Examiner James D. Cunningham last week stymied CBS's attempt to gain access to commission information on an allegedly staged pot party aired last fall by CBS-owned WBBM-TV Chicago.

In a prehearing conference held Thursday (Sept. 12), Mr. Cunningham denied the network's request for the hitherto unreleased names and addresses of complainants and witnesses, copies of complaints, and other related material now in commission hands. The chief hearing examiner agreed with FCC counsel Joseph Stirmer that

access to such information might be appropriate to an adjudicatory proceeding—although Mr. Stirmer questioned whether names and addresses should be released even then—but not to an investigatory proceeding such as the one contemplated by the commission.

That hearing, rescheduled last week for Oct. 8 in Chicago, did not originally include CBS as a party at all. In a decision reached two weeks ago, the commission said in response to a petition by the network that it would permit CBS "to appear and cross-examine witnesses, tender objections, produce witnesses and documents, and comment on the testimony" (BROADCASTING, Sept. 2). The action was taken "to insure that a full and complete record is developed" at the hearing, the commission said. Examiner Cunningham, who is to preside at the hearing, had previously denied CBS's request.

In last week's prehearing conference—also requested by CBS in its petition—FCC counsel Stirmer said that the commission seeks to determine whether the party was "arranged, encouraged or induced" by station or network personnel; whether it took place on the Northwestern University campus, and what investigations and efforts to develop information have been conducted by CBS.

Mr. Stirmer also asked CBS for a tape of the program, information on the publicity preceding its broadcast, and data on station ratings for three months before and after the party was broadcast, as well as for the program itself.

Attempt to be Made ■ CBS counsel Newton Minow said the network would try to comply with the commission's requests, but said he was unsure whether the ratings were available.

Mr. Minow, former FCC chairman now practicing law in Chicago, provided overtones of Franz Kafka in his objection to the "nameless, faceless trial" faced by CBS without access to the records it had requested. Mr. Cunningham responded that CBS would have ample opportunity to prepare its rebuttal after the the commission presents its case.

Between now and Oct. 8, Messrs. Stirmer and Minow said, they'll attempt to determine whether there are further areas of fact not in dispute, in order to streamline the inquiry as much as possible. Mr. Stirmer estimated that, as it now stands, the hearing should require from one to two weeks.

The long-delayed hearing was originally ordered on March 22, but was postponed twice while the House Investigations Subcommittee conducted its own investigation of the charges and has since been postponed twice again.

Antismoking spot is William Talman's legacy

William Talman, the late actor who played the district attorney on the *Perry Mason Show*, will be seen on television screens this fall in a new posthumous role—as a dramatic antismoking spokesman in a one-minute spot for the American Cancer Society.

Mr. Talman died Aug. 30 of lung cancer (BROADCASTING, Sept. 9).

A cancer society spokesman said the 53-year-old actor asked to make the antismoking spot after he learned a year ago that he had inoperable lung cancer. He was a three-pack-a-day smoker all his adult life.

Lance W. Adams, executive vice president of the Cancer Society said that Mr. Talman told him: "Before I die I want to do what I can to leave a world free of cancer for my six children." The actor viewed the finished commercial less than a

month before he died.

In the spot, Mr. Talman introduces his wife and children and then recalls his television legal battles with Perry Mason—all of which he lost. On the soundtrack he says, "you know. I didn't really mind losing those courtroom battles. But I'm in a battle right now I don't want to lose at all because if I lose it, it means losing my wife and those kids you just met. I've got lung cancer.

"So take some advice about smoking and losing from someone who's been doing both for years. If you haven't smoked—don't start. If you do smoke—quit. Don't be a loser."

Mr. Adams said the spot will be released to the TV networks and stations through the society's divisions and local chapters. Mr. Talman also made a short film which is to be shown to volunteers in the society.