

(3) "On the legislative front, we find less enthusiasm for regimenting this industry. I think congressmen are more aware of the service we render. FCC, however, apparently is going to continue to recommend legislation to regulate us."

Dalton reported that membership is now nearly 500, plus 20 associate members (manufacturers, brokers, etc.). Headquarters staff has increased from 4 to 9 since first of year—including addition of full-time house counsel Robert L'Heureux and public relations director Leonard Lieberman. Next annual convention is in Washington's Shoreham Hotel June 17-22.

STORZ SOCKED IN FORFEITURE CASE: "Apparent liability" of \$10,000 forfeiture under penalty provisions of Harris-Pastore Act has been incurred by Storz Bcstg. Co.'s radio KOMA Oklahoma City for rules violations, FCC ruled last week in 2nd case of kind.

Storz station was cited in particular by Commission for daytime transmitter operation prior to 4 a.m. and for maintaining field strength which "far exceeded the licensed maximum values." Accused of "willfully or repeatedly failing to operate station KOMA as set forth in its license," company was given 30 days from receipt of Nov. 21 notice to prove "non-liability" or surrender \$10,000.

Radio KDWB St. Paul was first station hit by FCC in forfeiture action. Crowell-Collier outlet was assessed \$2,500 in July (Chmn. Minow holding out for full \$10,000 fine permitted under law) for excess-power operation (Vol. 17:31 p7). Commission promptly collected forfeit for U.S. Treasury.

TV FILM CASE REACHES SUPREME COURT: N.Y. District Court ban on block booking of old movies for TV sales or licensing by 6 major distributors isn't tough enough, Justice Dept. told Supreme Court last week in appeal for review of Judge Archie O. Dawson's anti-trust order.

Dawson's judgments "invite widespread avoidance of the Sherman Act's prohibition against block-booking agreements," govt. complained in trying to reopen complex monopoly case, which started early in 1960 in N.Y. court (Vol. 16:9 p12 et seq.).

TV stations still are compelled to take packages of unwanted films in order to get few desirable features, Justice Dept. protested, telling Supreme Court that under Dawson's orders: (1) Film distributor may withhold movies from individual stations until it makes sure entire packages can't be sold in same markets. (2) Distributors don't have to price films separately and explain why cost of same films differs when bought as part of package.

"Extent of the coercive power left in the distributors' hands" is so great that "stations can & will be regularly induced" to take dogs among old features, govt. brief said. It maintained that distributors can use competition among stations as lever to force continuance of block-booking practices which Dawson's formula was supposed to prevent.

Nonsense, distributors retorted in counter appeals. They had first indicated they wouldn't fight Dawson's ban, but decided it was too tough after govt. moved to carry case to Supreme Court (Vol. 17:17 p12). Five of 6 distributors involved—Loew's, Screen Gems, Associated Artists, United Artists, C&C Super—asked Supreme Court for relaxation of anti-block-booking terms. Dawson's order also was directed at NTA.

GRAND JURY STUDIES MCA DEALS: Much rumored federal grand jury probe of big MCA, which announced in October that it is getting out of TV talent-agency or TV production business (Vol. 1:7 p4), finally got under way in Los Angeles last week in what is expected to be months-long proceedings.

Justice Dept. kept secrecy lid on specific targets of investigation, reporting only that special jury was being impaneled to see whether there have been criminal violations of anti-trust law by companies in entertainment industry. But there was little doubt that MCA's dual role as agency & producer was main subject of inquiry presided over by District Court Judge Pierson Hall.

Lengthy monopoly probe was promised by Judge Hall in questioning prospective jurors. They were asked whether they were prepared to stay on job in courtroom for 4 days per week for 3 or 4 months.

As WLBW-TV took over Miami's Ch. 10 from WPST-TV Nov. 20, latter's Pres. G. T. Baker ran ad in Washington papers indicating intention of filing application for channel again. Commission's authorization to WLBW-TV is for 4 months—but it's due to keep operating through next round of competitive hearings. It's assumed there will be many applicants for channel. In ad, Baker urged hearing be held in Miami, again denied that his organization was responsible for any improper approaches to FCC.