

## MORE CHESS WITH ASCAP

### All-industry TV license group takes fight for limited licenses back to Supreme Court

The All-Industry Television Stations Music License Committee has gone back to the U. S. Supreme Court in its fight with the American Society of Composers, Authors and Publishers.

The fight is over the committee's efforts to get limited licenses for the use of ASCAP music by television stations. But for several months it has been hung up on procedural points of law.

In the latest appeal the committee asked the Supreme Court to review the refusal of the U. S. Second Circuit Court of Appeals to pass upon an earlier appeal. That appeal was from a District Court decision which held that ASCAP could not be forced to grant the type of licenses the committee is seeking.

After the original adverse decision in

the District Court, the committee appealed directly to the Supreme Court under the Expediting Act. The Supreme Court dismissed that appeal on grounds that it lacked jurisdiction. The committee then asked the Court of Appeals to upset the District Court's decision, but the Court of Appeals refused on grounds that only the Supreme Court had jurisdiction.

Now the committee has gone back to the Supreme Court and petitioned for a hearing there to determine, among other legal points, whether the Court of Appeals does or does not have jurisdiction.

**Merits Of Case** ■ If the Supreme Court agrees to hear the arguments, the committee will also ask it to pass upon the merits of the case—that is, whether

TV stations are entitled, under the consent decree that governs ASCAP's operations, to get the limited license they're seeking.

What the stations want is licenses that would require them to pay ASCAP for only such ASCAP music as they use in locally originated programs. They argue that music played in syndicated and feature films produced in the future should be licensed to and paid for by the producers, not the stations, just as network music is now covered in licenses between ASCAP and the networks.

The new appeal to the Supreme Court was not entirely unexpected. It had been considered a possible alternative to the announced plan to seek a declaratory judgment, probably in a District Court, holding that the antitrust law requires ASCAP to grant the requested form of license (BROADCASTING, June 10).

If the Supreme Court refuses to hear the new appeal, or hears it and rules against the committee, then the declara-

## Six new NBC programs are on the drawing boards

Burgeoning NBC Productions, set up in Hollywood only last spring to develop new TV properties for NBC-TV, now has at least six programs as possibilities for the 1964-65 season.

A rundown on its planning was presented in an interview in New York last week by Felix Jackson, who was put in charge of the new development unit in May. Mr. Jackson, previously vice president for NBC-TV programs on the West Coast, is a veteran of motion pictures and TV (among his credits: *Studio One* on CBS-TV).

NBC Productions is remaking a pilot on *Kentucky's Kid*, a story about a horse trainer (Dennis Weaver of *Gunsmoke* plays the leading role) and an adopted Chinese child (Rocky Der, 10-year-old Chinese boy from San Francisco who has a seven-year acting contract with NBC). Filming of the pilot for the half-hour series begins Aug. 26. Albert Beich and William H. Wright created and wrote the script.

The unit is developing another one-hour action-adventure that bears the title *Magic Touch*. George and Lillian Burns Sidney have been named to direct the pilot. The series as projected would be centered on two brothers who run a photographic agency in New York.

A third project is a half-hour situ-

ation comedy that Hubbell Robinson, former CBS-TV program executive, is working on. A script is expected in about two weeks.

Fourth project is a science fiction series that's in the one-hour format,



Mr. Jackson

to be written and produced by Bob Barbash.

Fifth on the drawing board is *Yankee Rebel*, which is seen by Mr. Jackson as a "creative western." The program would be a one-hour series. Sam Peeples, who came up with the idea, is writing the script. It's set in a Civil War period when the Union and the Confederacy in a truce joined hands for a joint venture to

battle marauding Indians in the West.

A sixth project is another one-hour dramatic show, about which Mr. Jackson said he could not disclose details, and a seventh series—half-hour comedy—is a possibility.

**Views On Speedup** ■ Why the speedup in Hollywood? Mr. Jackson explains that it stems from the need for earlier network decisions, for time to develop properties and to obtain the right talent.

The importance of talent cannot be minimized in planning TV entertainment, no matter what form or direction the idea takes, Mr. Jackson noted.

The plethora of scripts and program ideas, would-be imitators of already successful shows, and new approaches is staggering, Mr. Jackson said, adding that an essential in new TV program planning is a concept that has "interesting people and background" but with a "series potential."

So many projects become failures because they may have been "deceptive," Mr. Jackson emphasized. "They get to a first good pilot stage but go no further—they have no series potential."

How many of his projected series will "make it" in 1964-65 by gaining a spot on the NBC-TV schedule? Mr. Jackson has a quick answer: "I hope all six."