

# Finish Fight Looms in Cox-Fly Row

## Georgian Would Punish 'Bureaucrats'; WALB Renewal Hearing

WASHINGTON seethed last week with reports of a finish fight between the Georgia Democrat, Rep. Eugene Cox, and FCC Chairman James Lawrence Fly, with talk of "impeachment proceedings" against "bureaucrats" levelled on the House floor by the Georgian.

Activity occurred on two fronts—in the House, where Judge Cox made a half-minute speech Thursday on impeachment without naming names, and at the FCC, where a renewal hearing involving WALB, Albany, Ga., was in progress, with allegations of improprieties by Rep. Cox refuted by the station.

The Cox-Fly feud has flared up intermittently during the last couple of sessions, but now it has reached white heat. Mr. Fly declined to comment on these latest developments.

Rep. Cox, ranking majority member of the all-powerful House Rules Committee, is the author of a resolution (HRes-21) introduced at the opening day of this session, to investigate the FCC generally and Mr. Fly in particular. Mr. Fly, on the other hand, is said to have been largely responsible for having instigated a Department of Justice inquiry into Rep. Cox's participation as counsel for the Albany Herald Broadcasting Co., and his receipt of a \$2,500 fee. The whole subject of WALB license renewal was being inquired into by the FCC at a formal hearing all last week. Georgia's two senators—Russell and George—appeared at the FCC hearing. Senator George attested to the integrity and character of his House colleague.

### Cox Confident

Whereas Rep. Cox failed last session in his effort to get House approval of his inquiry resolution, he confidently predicted action this week. Approval of the resolution, at least by the Rules Committee, was generally regarded as likely by House members, providing for a select committee of five to conduct the inquiry. Funds for counsel and investigators also is provided. How such a resolution would fare in the House was problematical, though Judge Cox said he thought it would pass this week with not more than a score of votes against it.

In his half-minute speech to the House Thursday, Rep. Cox said: "The time has come for this House to protect itself and the country against the scorn and abuse of bureaucratic dictatorship by resorting to the process of impeachment."

Asked by newsmen afterward what "bureaucrats he had in mind," Rep. Cox would not amplify the statement but predicted speedy Rules Committee approval of his resolution and suggested that re-

porters "draw their own inferences."

In another address to the House last Friday, Rep. Cox charged the FCC was seeking to "frame" him in order to defeat his resolution. "This inquisition is not because of any infraction of FCC rules by the station, but merely because of my resolution to investigate Fly's dictatorial setup," the Congressman said. "It's a frame-up, pure and simple. They are trying to blackmail me into laying off the Commission."

Rep. Cox again predicted to the House that his resolution would pass "with few dissenting votes." He said he was not interested in "witch hunting," but solely in protecting the communications industry "against Fly's gestapo tactics." If permitted to continue and spread to other fields, he added, "we will lose freedom of the press and speech."

In reintroducing his resolution with the opening of Congress Jan. 7, Judge Cox said the story of the operations of the Commission under the chairmanship of Mr. Fly "will prove shocking." He charged

it had almost completely established "terroristic control" and that it "maintains a Gestapo the equal of which has never been seen in free government."

While Chairman Fly is the principal target of the Georgia congressman, the name of Commissioner C. J. Durr, newest member of the FCC, also has been drawn into Congressional talk. Mr. Durr, along with Chairman Fly, has acted more or less as legislative liaison official for the FCC.

Judge Cox's name was drawn into the WALB renewal hearing as a result of investigations instituted by the FCC's law department. It had been expected that Rep. Cox himself would be called to testify, but that had not eventuated last Friday when BROADCASTING went to press. Rep. Cox inferred he doubted whether the Commission had the "nerve" to call him. Testimony relating to the \$2,500 transaction, however, highlighted the proceedings.

Last Thursday, almost coincident with Judge Cox's half-minute speech in the House, Marcus Cohn,

(Continued on page 45)

## 1905 William C. Gillespie 1943

WILLIAM C. GILLESPIE, 38, vice-president and manager of KTUL, Tulsa, and supervising director of KOMA, Oklahoma City, died last Wednesday after suffering a fractured skull the preceding Saturday night in a fall at his home. He was injured in a freak accident. While talking over the telephone, he leaned against a basement door which was unlatched and fell about eight feet. Blood transfusions and a brain operation failed to revive consciousness.

One of Tulsa's civic leaders and one of the most aggressive personalities in the broadcasting field, "Bill" Gillespie was commercial manager of WKY, Oklahoma City, when he conceived the idea of purchasing the non-commercial KOCW, Chickasha, Okla., from the Oklahoma College for Women, and moving it into Tulsa where a CBS franchise was available.

In 1934 he sought the backing of Tulsa newspaper publishers for the project, and they turned him down. Thereupon he persuaded J. T. Griffin, president of the Griffin Wholesale Grocery Co., Muskogee, and a local banker, that radio was a good investment, and Mr. Griffin backed the purchase of the college station and its reconstruction in Tulsa. Mr. Gillespie became manager and part owner, building it into one of the most successful regional stations in the Midwest.

Mr. Gillespie's career includes his service with WKY as well as service in sales capacities with NBC Chicago, and WMBD, Peoria. For a time he was manager of the Iowa Broadcasting System. In



1939 he negotiated the half-million dollar deal with Elliott Roosevelt, then head of Hearst Radio Inc., for the purchase of KOMA, Oklahoma City, by the Griffin interests.

Just 12 hours before the accident he had returned from a ten-day business trip to New York and Washington. In the latter city he had attended the OWI convention of regional consultants, having been the regional consultant for the 12th district. He was also prominent in NAB affairs and a member of its sales promotion committee.

He was born in Nostagula, Ala. in 1904, and is survived by his wife, a son, William, his parents, two sisters and one brother.

# Arnold Will Argue New Petrillo Plea

## Justice Dept. Wins Reopening Feb. 8 in Conspiracy Case

THE ANTI-TRUST suit seeking an injunction against the recording ban of James C. Petrillo and his American Federation of Musicians, reopened in the Chicago federal court in a surprise move by the Department of Justice last Monday and arraigned for hearing on Jan. 18, will be tried before John P. Barnes on Feb. 8. The extension to Feb. 8 was granted by Judge Barnes last Thursday at the request of the AFM, which, through David Katz, Chicago counsel, explained that Joseph A. Padway, counsel for the AFM, would be occupied until that time. Likelihood on argument Jan. 25 on an AFM motion to dismiss was indicated, however.

Thurman Arnold, Assistant Attorney General, again plans to argue the case for the Government. Although the amended complaint against Petrillo was quietly filed in Chicago Dec. 24, the Government did not petition Judge Barnes for a hearing until last Monday. The new suit reiterates the charges of "conspiracy in restraint of trade" against the AFM enumerated in the original complaint summarily dismissed by Judge Barnes on Oct. 12, but there is one important addition: Petrillo is charged with conspiring, through the recording ban, to force 550 non-network affiliated stations off the air. These stations, the Government adds, depend largely or entirely upon phonograph records or transcriptions for their musical requirements, since no live musicians are available.

### Affidavits Renewed

This charge, according to Daniel M. Britt, special assistant to the attorney general in Chicago, reinforces the allegation of AFM monopoly. Judge Barnes, in handing down his Oct. 12 decision, characterized the case as a labor dispute and outside the pale of the anti-trust statute. However, in handing down his decision, he said he had not read the affidavits filed in support of a temporary injunction. These affidavits have been reintroduced by the Government as part of the new suit asking temporary and permanent injunction.

The affidavits cite the plight of small stations, many of whom do not have a union local in their territory even if they could afford musicians. Seventy-five per cent of the air time of most of these stations is devoted to playing recorded music and programs. The affidavits were filed by KERN, Bakersfield, Cal.; WMAZ, Macon, Ga.; WRLC, Toccoa, Ga.; WAGM, Presque Isle, Me.; KGVO, Missoula, Mont.; WWNC, Asheville; KVOO, Tulsa; KBND, Bend, Ore.; KUSD, Vermillion, S. D.; KGBS, Harlingen, Tex.; KRRV, Sherman, Tex.; WTAR, Norfolk; WAJR, Morgantown, W. Va.; WRJN, Racine, Wis.; WHUB, Cookeville, Tenn.