

place with Budweiser, other brands.)

A Miller spokesman said the decision was "difficult" to make "and we look forward to the possibility of working with McCann-Erickson and Interpublic again in the future."

Neither Miller nor Interpublic would comment on the reasons for the move, but it was believed related to the outstanding advertising campaigns created in recent years by McCann. The persons credited with playing key roles in Miller's efforts are William M. Backer, former vice chairman and creative director of McCann; Robert H. Lenz, former executive vice president and creative director of McCann in New York, and Robert B. Meury, senior vice president and associate creative director of the agency.

In May Backer and Carl Spielvogel, who had resigned as vice chairman of Interpublic, organized Backer & Spielvogel, New York (BROADCASTING, May 7, et seq). In late July, Lenz and Meury resigned their posts at M-E to join Backer & Spielvogel.

The temporary headquarters of Backer & Spielvogel is in the Gotham hotel, but Spielvogel said last week the firm will move into new space soon and will recruit a staff to service its sole but substantial account.

Interpublic was asked if there was a possibility of starting an "account-piracy suit," and a spokesman replied: "We don't contemplate any kind of legal action."

The spokesman said that the Miller defection amounted to less than 4% of Interpublic's billings. For McCann-Erickson, based on 1978 figures, the loss was about 18% of domestic billings.

Interpublic's stock on the day of the announcement last Wednesday (Aug. 8) fell 2 3/8 to 37 and on Thursday to 36 3/8, down 5/8.

NAB's minority investment fund: extending a welcoming financial hand

First solicitation brings in another \$1.2 million beyond network pledges; minorities are among the contributors; but not all among the majority think it's such a great idea

What began as a gleam in Don Thurston's eye has, at last count, turned into \$8,721,422 in pledges to put real money behind the broadcasting industry's plan to help ease the entry of minority owners. It is, for free enterprise, a unique proposition: the haves helping the have nots set up shop across the street.

For Thurston, the former board chairman of the National Association of Broadcasters, and head of its minority ownership task force, the rationale is clear: "How do you want minorities to enter this business: with the assistance of a cooperative industry or through court challenges or by government direction? When you put the argument that way, the objections usually fall away."

Usually, perhaps, but not always. The first general mailing to the industry—following pledges of \$2.5 million each from ABC, CBS and NBC—brought in a reasonably rapid 25 pledges worth \$1,221,422—many accompanied by statements both of praise and support of the NAB initiative. It also brought a half-dozen or so outright refusals—some obscene. Among the less vituperative:

"May I suggest that your minority members who are interested in broadcasting do the same as I did and as many of my friends did. Work their cans off for 15 to 20 years and save and scrimp and sacrifice and shed a few tears over it and wait for

the opportunity to come up to make a small down payment and then work even harder to make the payments."

Said another:

"I commend the committee for the tremendous amount of time and effort that went into reaching this decision; however I strongly feel this is the wrong approach . . . I firmly believe that experience has shown over the past 15 years that simply throwing money at a problem does not necessarily help it, and that is precisely why financial institutions are selective as to whom they give money to."

Such comments were offset—and outnumbered—by those of broadcasters who found the plan "an outstanding idea," "a project in which we strongly believe," "a very noble movement" and a "good cause." Perhaps surprisingly, those who pledged the largest amounts often sent it in with the least rhetoric—perhaps echoing Thurston's sentiment that, in this case, actions speak louder than words.

It's been seven months since inception of the Minority Broadcast Investment Fund, and the current total is just past the halfway mark toward a goal of \$15 million in contributions from broadcasters. The NAB incorporated the fund last December with aims to raise as much as \$37.5 million in cash and another \$7.5 million in loan guarantees for new minority broadcast enterprises. Of the total, \$15 million would be raised directly from broadcasters with \$30 million in matching funds from the Small Business Administration. The NAB Task Force on Minority Ownership, which established the fund, set a goal of doubling the number of minority-owned broadcast stations within the next three years

television program carried on Nov. 7, 1976, defamed him. Dr. Greenberg has insisted he did not prescribe medications attributed to him on segment dealing with amphetamine abuse. In refusing CBS' petition for dismissal Appellate Division said it is "questionable" whether CBS met standards of basic reporting and is "certainly questionable whether they met more rigorous standards of investigative reporting." Case returns to New York State Supreme Court.

Guy Gannet Publishing Co., which two weeks ago purchased KOFM(FM) Oklahoma City for \$3.9 million (BROADCASTING, Aug. 6), announced last week its intention to **sell its WHYN-AM-FM Springfield, Mass.**, to Affiliated Publications Inc. for \$5.1 million. Both transactions are subject to FCC approval.

In rare interview last week, **Chief Justice Warren Burger said judges barring press and public from actual trials may be misreading high court's recent decision in *Gannett v. DePasquale*** allowing closed pretrial proceedings. According to survey done by Reporters Committee for Freedom of the Press, more than 39 cases involving public access to court proceedings have been raised since July 2 decision; judges nationwide have closed or upheld closing of more than 21 courtrooms in that time. Burger told Gannett reporter that judges may be reading press accounts of what justices said rather than court's majority opinion. Meanwhile, at American Bar Association's meeting in Dallas, ABA's board of governors refused to adopt proposed resolution favoring legislation to correct Supreme Court's decision in *Stanford Daily* case. Court held police could search premises of innocent third parties on

belief they'd find evidence implicating others in crime.

Radio-Television News Directors Association has incorporated **special one-day program for station managers** into final day of **RTNDA convention** in Las Vegas Sept. 5-8. Authorities in management, research and law will make presentations on managerial and legal—as distinct from journalistic—issues. RTNDA invitation last Friday (Aug. 10) also offered special one-day registration.

TV networks in first 25 weeks of 1979 **exceeded their own commercial standards** in prime time by 30 seconds or more in 56 programs and by 10 seconds in 482 other programs, **according to** monitoring report released by **Station Representatives Association**. These figures compare with "excesses" of 30 seconds or more in 60 programs and of 10 seconds in 484 in comparable period of 1978.

Fifth Circuit Court ruled last week that **FCC cannot lawfully apply divestiture requirement to Kcmc Inc.**, licensee of KTAL-TV Texarkana, Tex., and owner of Texarkana Newspapers Inc. Kcmc argued that its city-grade contour does not cover Texarkana, and therefore, KTAL-TV's major market was not Texarkana. KTAL-TV was one of 16 "egregious" stations marked for divestiture in FCC's one-to-a-market rule.

FCC Chairman Charles Ferris has bolstered his staff with addition of **new legal assistant, Gregory Ballard**. Ballard, recent graduate of Harvard Law School, is former staff member of U.S. Senate Select Committee on Nutrition and Human Needs.