

STRICTER REINS SOUGHT ON EX-FEDERAL EMPLOYEES

Brownell wants stronger teeth in U. S. Code covering former government officials who later represent private interests.

STRONGER prohibition against allowing former government officials or employes from serving private interests was asked by Attorney General Herbert Brownell Jr. last week.

In a request to the Congress, Mr. Brownell asked that Sec. 284 of Title 18 of the U. S. Code be revised to (1) eliminate the two-year period, (2) spell out in greater detail what is prohibited, and (3) increase the penalty from one year and \$10,000 fine to two years and \$10,000 fine.

At the present time, the law forbids an ex-government official or employe from acting as a private representative for a person or firm on matters in which he had taken action in behalf of the government during his government service for a period of two years after resigning from government rolls.

A Federal court recently ruled that the prohibition only applied where a claim involving money or property against the United States was made. This was in the case of the Department of Justice's suit against Herbert A. Bergson, former Assistant Attorney General in charge of anti-trust matters.

"It is plainly true," Mr. Brownell wrote, "that the most important governmental proceedings involve no claim for money or property asserted by or against the United States. Almost the whole of the work of regulatory agencies, such as the Federal Trade Commission, the Federal Communications Commission, the Interstate Commerce Commission and the like involve no such claims."

Maintain Public Trust

To maintain public confidence in the integrity of government officials, the exercise of governmental powers must be kept free of any personal interests of the government's agent—and also of any appearance that conflicting interests might be permitted, Mr. Brownell said.

The recommended legislation broadens the disqualification to include advice as well as representation, and includes a wide range of matters, not only involving money or property rights, such as litigation against the U. S.

The proposed revision would still permit a former government official to represent a person or company once involved with a government agency, but only on matters on which he did not pass, make recommendations, advise, or take or approve any action while in government service.

The proposed new provision reads as follows:

§284. Disqualifications of former officers and employes in matters connected with former duties. Whoever, having been an officer or employe of the United States, acts as counsel, adviser, attorney or agent for any person with respect to any proceeding in which the United States is interested and which involves any subject matter on which he advised, recommended, took or approved official action during such tenure or employment, shall be fined not more

Taxable Giveaways

CONGRESS would put the radio-tv giveaway prize back where it was in the first place—a matter of income for which the award-winner must pay a tax. A provision in the new revenue bill, now under Senate-House joint consideration, specifies that the giveaway prize be included in an individual's income subject to tax. According to the Senate Finance and House Ways & Means Committees the provision, if it becomes law, would eliminate confusion on the subject, created when the courts rendered two decisions which held such receipts are not income under the Internal Revenue Code. The effect of the new provision would be to overrule these decisions, they say.

than \$10,000 or imprisoned not more than two years, or both.

The FCC's regulations, spelling out the present law for FCC officials and staffers, reads as follows:

§1.715 Former Employees.—(a) No member, officer, or employee of the Commission shall, within 2 years after his service with the Commission is terminated, appear as attorney before the Commission in any cause or application which he has handled or passed upon while in the service of the Commission.

(b) No member, officer or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

As in all other government agencies, countless FCC officials and staff members have resigned to enter private business or practice ever since the founding of the agency in 1934. Among the more prominent former FCC members now in private legal practice are former chairmen James Lawrence Fly, Paul A. Porter and Paul A. Walker. Former Chairman Charles R. Denney is NBC vice president in charge of owned stations and NBC Spot Sales. Former Chairman Wayne Coy is manager and half-owner of KOB-AM-TV Albuquerque, N. M. Former commissioners who are in private practice are T. A. M. Craven, consulting engineer, Clifford J. Durr and Robert F. Jones, lawyers. Former Comr. E. K. Jett is the *Baltimore Sun's* vice president in charge of WMAR-TV Baltimore.

FCC Declines To Give Views On Proposed Programming

ADVISORY opinions on the legality of proposed program material are given only to licensees, the FCC noted last week in a letter to J. M. Cranor, manager of the Salina (Kan.) Chamber of Commerce.

The FCC letter was in reply to a letter from Mr. Cranor requesting an opinion concerning the legality of a program called *Cash Day* conducted by the Chamber of Commerce. Mr. Cranor had been advised by a local radio station that the program is considered a lottery by the Commission.

The Commission letter noted that its prac-

tice is to render advisory opinions on proposed program material at the request of licensees when sufficient information is presented. The Commission said:

Advisory opinions on proposed program material are given only to licensees, in view of the fact that the Commission's rules pertaining to the broadcast of lotteries apply only to licensees and the additional consideration that the basic responsibility for determining the nature and content of program material carried by a station rests with the licensee. While the Commission reviews the overall operation of each station, usually in connection with its applications for renewal of license, to determine whether the station is fulfilling its obligation to operate in the public interest, the Commission cannot determine the particular programs to be carried. Therefore, decisions as to the legality of individual programs must be made by the licensee.

Tulsa Uhfs Challenge Dismissal of Protest

TWO Tulsa, Okla., uhf stations—one already operating—appealed last week to the U. S. Court of Appeals in Washington against the FCC's denial of their protest against the Muskogee ch. 8 grant to Tulsa Broadcasting Co. [B•T, July 12].

The Commission denied the protests of KCEB (TV) on ch. 23 and KSPG (TV), holding a grant for ch. 17, on the ground that the Muskogee grant to Tulsa Broadcasting Co. (KTUL Tulsa) was made after a hearing and that it could not be objected to under Sec. 309 (c) of the Communications Act. This provision allows a protest to be filed with the FCC within 30 days by a "party in interest" against a grant made without a hearing. The Commission two weeks ago also turned down the same stations' requests for a rehearing on the ground that no material facts had been presented to warrant reopening the case.

The protesting stations—which also included KOTV (TV) on ch. 6—claimed that there is overlap of Grade A service between the Muskogee ch. 8 station (KTVX [TV]) and KWTV (TV) Oklahoma City. The Muskogee station is owned by the John T. Griffin interests, which also owns 50% of the Oklahoma City station. The objectors also charged undue concentration of control, claiming that the Griffin family also owns KATV (TV) Pine Bluff, Ark., KOMA Oklahoma City and KFPW Fort Smith, Ark. They also stated that the Muskogee ch. 8 station was being promoted as a Tulsa-Muskogee outlet.

The Muskogee grant came after competing applicants *Muskogee Phoenix* and *Times-Democrat* and Ashley L. Robinson withdrew.

Exposure of Communism USIA's Purpose—Streibert

EXPOSURE of the imperialistic aspirations of communism as "Red Colonialism" is the purpose of the U. S. Information Agency's plans to step up the use of facts in the agency's long-range, world-wide campaign against communism.

Theodore C. Streibert, USIA director, in instructions to the agency's 217 posts in 76 countries, said Communist parties throughout the world are "directly tied to Moscow and Peiping," and that these ties are provable.

Specific directions for carrying out the intensified effort have been sent to the 217 overseas posts of USIA, Mr. Streibert said. He said Soviet Communists, "acting in the guise of domestic political parties, of agrarian and social reformers, or liberal movements, while in fact under orders from Moscow . . . have led country after country into the iron tentacles of Red Colonialism."

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