COLOR TV DELAYED UNTIL COURT RULES ON R.C.A. COMPLAINT

Temporary Restraining Order Blocks Start of Commercial C.B.S. Operations Monday

ACTION BY 3 U. S. JUDGES

Jurist Asserts Tribunal Needs Time to Decide Suit for Writ to Block Columbia Method

Special to THE NEW YORK TIMES.

CHICAGO, Nov. 15 — A three-judge Federal court today blocked the start of commercial color television, which had been set for next Monday.

The court issued a temporary restraining order suspending an order issued Oct. 11 by the Federal Communications Commission. The commission had authorized the Columbia Broadcasting System to begin commercial color telecasts on Nov. 20, using the color system the network has developed.

The stay was a preliminary victory for the Radio Corporation of America, which has a color system of its own and seeks time to develop it further.

Today's restraining order will remain in effect until the court has reached a decision on an application by R. C. A. for a temporary injunction, and on motions filed by the F. C. C. for dismissal of the R. C. A. application.

The court gave no indication how long it would take to reach a decision, but it has numerous briefs and affidavits to consider, as well as two days of oral arguments, which ended today. Much of this material is based on the voluminous record of the nine-month F. C. C. hearings that preceded the Oct. 11 order.

Appealable to Supreme Court

However the court decides, the decision will be appealable directly to the Supreme Court, and it is virtually certain to be appealed.

A temporary restraining order contains the terms of its dissolution. In this case it will be dissolved upon issuance of the court's decision on the R. C. A. application and the F. C. C. motions. It keeps the status quo pending adjudication of the dispute.

A temporary injunction, also called an interlocutory injunction, is more indefinite, may continue in effect for some time after the court's proceedings are ended, and commonly does not include the terms of its dissolution.

Chief Judge J. Earl Major of the Seventh Circuit Court of Appeals, who, with District Judge Philip J. Sullivan and Walter J. La Buy comprised the panel, said:

"No one can expect this court to render any kind of decision today, tomorrow or next week. It is unthinkable that the court give a decision at once in view of the importance and complications of this issue. This court will decide as soon as it can—we've got a lot of studying to do, a lot of reading to do."

"Nothing Magical" About Date

Judge Major then addressed F. C. C. and C. B. S. lawyers. He said:

"The court was not convinced by your arguments that it makes any difference to the public whether the F. C. C. order becomes effective Nov. 20 or Dec. 30. There is nothing magical about Nov. 20."

The F. C. C., with C. B. S. admitted as an interested party, had contended that the commission order must go into effect as scheduled in the public interest. Otherwise, they argued, black-and-white television sets, now being sold at the rate of 800,000 to 1,000,000 a month, would accumulate in the hands of the public and create a vested interest against the inauguration of the C. B. S. color television system.

Present sets would require an adapter to receive C. B. S. color broadcasts in black and white, and a converter as well, to receive

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them in color. The cost of the adapter has been estimated at $50, and the converter at $100. The C. B. S. method involves the use of a mechanical color disk.

The R. C. A. color system, which the commission ruled out, is "compatible," which means that owners of present sets could receive color broadcasts in black and white without purchase of additional equipment. It is a completely electronic system.

In today's arguments, the F. C. C. and C. B. S. answered yesterday's contentions by R. C. A. and seven other interested parties that the commission order was against the public interest, arbitrary and capricious and not supported by its own findings of fact.

Judge Samuel I. Rosenman of New York, adviser to the late President Roosevelt, argued for C. B. S. that "the set manufacturers have gone out on a sit-down strike against color."

"The fight here is between the set makers of the United States and the people of the United States," he declared.

R. C. A., said Judge Rosenman, had estimated that it could build into its current sets an adapter at an assembly-line cost of $7 to $10. Set makers had refused to do this, he added. That left it up to the purchaser to buy and install an adapter after purchasing his set, he said, adding:

"The set makers say, we're tooled up for black and white, and when we've sold 40,000,000 to 50,000,000, then we'll talk about color. We can make more money at black and white."

Judge Rosenman attributed recent slackening of sales of television sets primarily to the tightening of Regulation W on installment buying, on Oct. 16, and the imposition of an excise tax on sets Nov. 1. He held the uncertainty about color television was least influential in depressing sales.

Judge Rosenman declared that "there is no reasonable probability that the R. C. A. system will ever work satisfactorily," while the C. B. S. system was satisfactory to the commission. There is no way of getting color from R. C. A. on any present set, he declared, adding that R. C. A. did not contest this in the F. C. C. record.

Max Goldman, assistant general counsel for the F. C. C., argued that the Columbia color system was superior to the R. C. A. system.

He replied to a monopoly charge that the C. B. S. system would be available to any broadcaster at a reasonable license fee.

John F. Baecher, special assistant to the United States Attorney General, declared that the F. C. C. order was amply supported by the commission's findings of fact.

"C. B. S. signals had he desired purity and sharpness; R. C. A.'s did not," he asserted.