

**The original documents are located in Box 14, folder “Federal Communications Commission - Equal Time Provisions (5)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF COMMISSIONER ABBOTT WASHBURN

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10/9/75

→ MR. BUCHEN

- A.W.



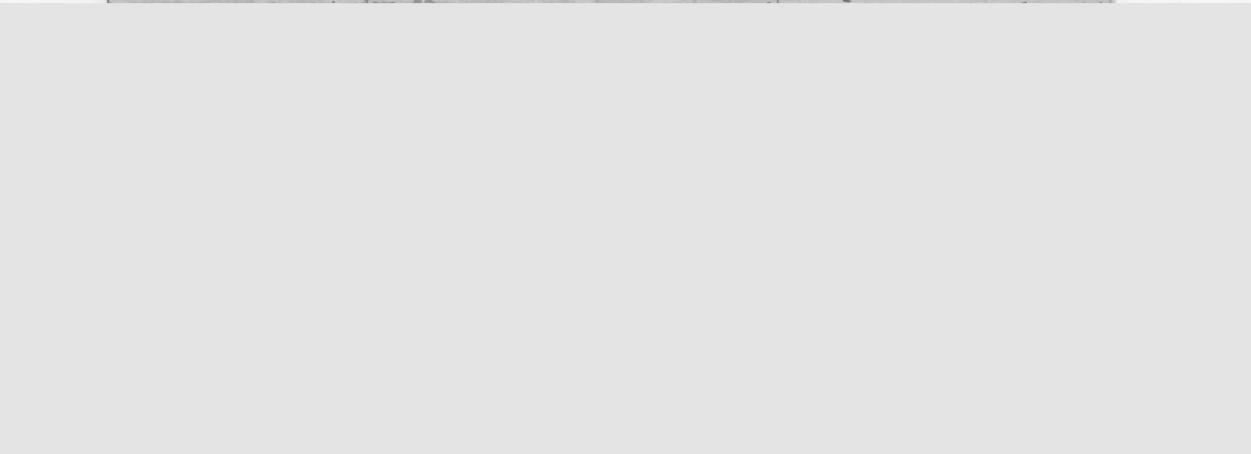
file

**CBS and NBC Bar Live Ford Speech** **FORD DENIED TIME BY CBS AND NBC**

By The Associated Press  
CBS and NBC, in an unusual

Continued From Page 1, Col. 8

tial announcements, CBS News would be prepared to accept the consequences of the equal time provisions and provide live coverage of such Presidential addresses," Mr. Salant said. "Tonight's address, however, dealing as it does with pro-



who is a declared candidate for the Republican nomination, live coverage of his speech would be provided on the new nationwide presidential primary.

"In circumstances of national emergencies or urgent Presiden-

Continued on Page 24, Column 5



Phil:

How come you didn't go the press conference route? It would have ensured coverage by all three nets and avoided the equal-time business.

We can only hope that Mr. Gordon does not request equal-time of ABC. He has seven days in which to do so. If he does, will face a tough one here. When LBJ did it, he was announcing that Red China had exploded an atom bomb!

*Equal Time*

NBC

# NATIONAL BROADCASTING COMPANY, INC.

THIRTY ROCKEFELLER PLAZA, NEW YORK, N.Y. 10020, CIRCLE 7-8800

JULIAN GOODMAN  
Chairman and  
Chief Executive Officer

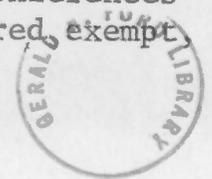
October 9, 1975

Mr. Ronald H. Nessen  
Press Secretary to the President  
The White House  
Washington, D. C. 20500

Dear Ron:

We had a difficult decision to make last Monday, when we received your request for time on the NBC Television Network at eight o'clock that night for a speech by President Ford on his proposal for tax reductions coupled with budget reductions. Because it's a long time between now and November 2, 1976, and because this subject will doubtless arise many times again, I thought I should give you some of the considerations that lay behind our decision.

First, when President Ford announced his candidacy for the Republican nomination, he became (and we became) subject to the provisions of Section 315 of the Federal Communications Act which says that any "use" a candidate makes of television or radio requires the broadcaster to provide equal opportunity to all other legally qualified candidates for the same office. As you know, the statute was amended in 1959 to exempt bona fide newscasts, regularly scheduled news interviews, certain news documentaries and on-the-spot coverage of a bona fide news event. A recent decision by the FCC indicates that coverage of news conferences and certain types of debates will be considered exempt as they have not been until now.



Mr. Ronald H. Nessen  
October 9, 1975  
Page Two

Your statement that live broadcast of President Ford's speech constituted on-the-spot coverage of a bona fide news event is at variance with the advice of our counsel who specialize in the interpretation of Section 315. It also is at variance with my own personal experience of thirty years in dealing with appearances such as this and observing FCC and court interpretations of the law.

Although a speech of the President which has been prepared for television and radio broadcast may be important in the general sense, that does not put it, under the law, in the exempt category when the President is a candidate; and the only exceptions the FCC has made in the past thirty years of its administration were on two occasions when the President's speech dealt with international developments affecting national security and were urgent in nature.

The equal time law makes no sense. I have campaigned unavailingly for years to have it eliminated or modified so that broadcasters may make unhampered journalistic judgments and the public may be better informed on the issues.

There is one other factor I should mention, though it has nothing to do with Section 315. It has to do with our own standards of fairness, and particularly in an election year. You probably already know that often when the President goes on television the Democratic leadership in Congress asks -- usually in advance of the speech -- for similar time on the air. In the case of Monday's speech, since you requested the time for a speech on a controversial subject not universally embraced on a bi-partisan basis in Congress, we probably would have offered time on the air to the Democrats, just as we have done in the past for Republicans when a Democrat was in the White House.



Mr. Ronald H. Nessen  
October 9, 1975  
Page Three

There is one more small point which is so close to quibbling that I almost left it out, but I cite it because we have a long road to travel before election. We were called after 2:00 PM on Monday with a request for live coverage of the President's speech at one time only -- 8:00 PM that evening. The man who put the speech on a video roll had to have more notice than we did. You gave us six hours to make a difficult decision, and gave us conditions that made it necessary for our decision to be black or white. We need to work together better than that. We are both after the same objective: an informed public. I hope we can find ways of doing it better.

With best regards.

Sincerely,

  
Julian Goodman



**FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

March 30, 1976

IN REPLY REFER TO:

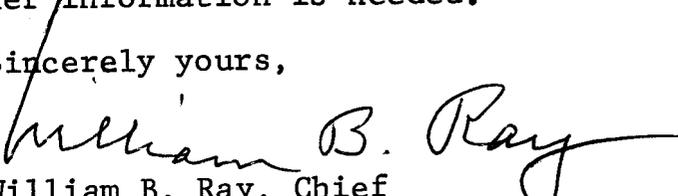
Mr. Philip W. Buchen  
Counsel to the President  
Executive Office of the President  
1600 Pennsylvania Avenue  
Washington, D. C. 20500

Dear Mr. Buchen:

In response to your request, I am forwarding herewith marked copies of the Commission's Public Notice of August 7, 1970 on "Use of Broadcast Facilities by Candidates for Public Office" and its ruling of October 20, 1966 in answer to a question from the licensee of Station WBTW-TV.

Please let me know if any further information is needed.

Sincerely yours,

  
William B. Ray, Chief  
Complaints and Compliance Division  
Broadcast Bureau

Enclosures

cc: Commissioner Washburn



THE WHITE HOUSE

WASHINGTON

March 30, 1976

Dear Bob:

As I discussed with you over the telephone, Adrian Weiss Productions would like to receive a waiver from President Ford of his rights under Section 315 of the Communications Act. The purpose of this waiver is to eliminate any claim to equal time on the part of the President that might arise from the use of broadcast facilities to show two of Ronald Reagan's old movies which are owned by Adrian Weiss Productions.

Enclosed are copies of letters received from the Productions firm. The information sheet describing the two pictures was not enclosed, but I learned by telephone that the titles of the two films are:

"Cattle Queen of Montana"  
"Tennessee's Partner"

I assume the titles say enough about the nature of the films. I would think it appropriate to grant the requested waiver, but I think this is a matter for the President Ford Committee to dispose of by an appropriate recommendation to the President and, if a waiver is recommended, a form of letter for the President to sign.

Enclosed also is a copy of a 1966 Federal Communication Commission's letter which deals with the subject of Section 315 waivers.

I believe Mr. Weiss would appreciate a prompt response from you.

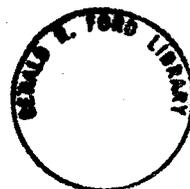
Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. Robert Visser  
General Counsel  
President Ford Committee  
1828 L Street, N. W.  
Washington, D. C. 20036

Enclosures



Special Delivery . . .

**adrian weiss productions**

186 North Canon Drive, Beverly Hills, California 90210  
(213) 274-9991

Cable: Weisspict

*Early  
Print 3*

March 17, 1976

Philip W. Buchen, Esquire  
Personal Counsel to President Gerald R. Ford  
White House  
1400 Pennsylvania Avenue  
Washington, D.C.

Dear Mr. Buchen:

I am quite concerned regarding your delay in not answering my letter of March 3, 1976 inasmuch as the certified mail return receipt shows that said letter was delivered to you on March 8th.

As each day goes by I continue to lose revenue and pay bank interest due to the equal time doctrine and resultant television station taboo on exhibiting the two Ronald Reagan pictures thereby negating the small group of nine (9) titles of which the Reagan pictures are part and parcel.

I was brought up to believe that every man's home is his castle, that every citizen has certain definite inalienable rights and since I hope that I fall in the aforementioned category I once more respectfully request your immediate attention to this matter so that we may freely make use of property rights to which we are legally and morally entitled.

After you have screened the two questionable motion pictures and assured yourselves that the scope of each is not political in nature, I feel certain that President Ford will agree with my stand and therefore hope that President Ford will waive any demand for equal time.

Once again, I thank you for a prompt reply and your favorable consideration.

Very truly yours,

ADRIAN WEISS PRODUCTIONS

*Adrian Weiss*

Adrian Weiss



AW:gb



# Metropolitan News

A DAILY LEGAL NEWSPAPER

205 SO. BROADWAY  
LOS ANGELES  
CALIFORNIA 90012  
ALL  
DEPARTMENTS:  
628-4384

Los Angeles, California ★ Wednesday, February 25, 1976

12 Pages — 15¢ Per Copy

## *Urge ABA Seek Revision of FCC Equal Time Provision*

By a PRESS CORRESPONDENT

PHILADELPHIA — The urges the enactment of an American Bar Assn's. Special appropriate, pending legislation.

adrian weiss productions

186 North Canon Drive, Beverly Hills, California 90210  
(213) 274-9991

Cable: Weisspict

March 3, 1976

Philip W. Buchen, Esquire  
Personal Counsel to President Gerald R. Ford  
White House  
1400 Pennsylvania Avenue  
Washington, D. C.

Dear Mr. Buchen:

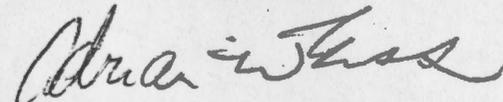
It has been brought to my attention through the enclosed newspaper article that you or your staff will take it upon yourselves to view the two (2) Ronald Reagan motion pictures we own, to determine whether or not there are any political overtones contained therein.

We respectfully request your immediate attention to this matter, in order that we may freely make use of our property rights to which we are legally and morally entitled, and hope that President Ford will waive any demand for equal time.

I shall thank you for a prompt reply and your favorable consideration.

Very truly yours,

ADRIAN WEISS PRODUCTIONS



Adrian Weiss

AW/g  
Enclosures

P.S. We are enclosing for your interregnum information, a press sheet on each of the two (2) motion pictures, from which it can be determined that the scope of each film is not political in nature.



FCC 66-928

FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D.C. 20554, October 20, 1966.

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS,  
Attorneys at Law,  
World Center Building,  
14th and K Streets NW., Washington, D.C. 20006.

Attention: Messrs. Eagan and Beizer,  
Regarding: Station WBTW-TV, Florence, S.C.)

(GENTLEMEN: This refers to your letter of September 23, 1966, in which you request an interpretive ruling respecting section 315 of the Communications Act. You advise that the station intends to devote a substantial block of time on a sustaining basis, on a particular day, for use by legally qualified candidates for various public offices, but that it wishes to insure that the candidates to whom the offer is made will avail themselves of the opportunity to appear on the date chosen only.

You inquire if the station in extending the invitation to appear, which will be issued well in advance of the date chosen, may require candidates who accept the invitation to agree to waive their right to appear subsequent to the use of the station's facilities by their opponents if for any reason subsequent to their acceptance they are unable to appear on the specified date. Secondly, may the station secure a waiver from candidates, who are unable or do not wish to participate, of section 315 rights which may accrue because of their opponents' above-described appearances? Finally, may the station advise a candidate who refuses to waive his section 315 rights that the station will have no choice but to rescind the invitation issued to other candidates for that particular office, regardless of whether it had been accepted, and that the other candidate will be notified of the reason for cancellation?

As a preliminary matter, we point out that the Commission has recognized that licensees face practical problems of scheduling in the day-to-day implementation of section 315. To effectively meet these problems as well as the requirements of section 315, the Commission has consistently encouraged licensees to consult with candidates to work out mutually agreeable arrangements.

There are two statutory concepts involved in the questions you pose. First, the Communications Act places upon the licensee the responsibility of making good faith, reasonable judgments as to what programming will best serve the needs and interests of his area; whether to afford sustaining time to a particular political race, of course, falls within that area of licensee judgment. *Farmers Educational and Cooperative Union of America v. WDAY, Inc.*, 360 U.S. 525; *Memorandum on Second Sentence of Section 315(a)*, FCC 62-412. Second, the act gives to legally qualified candidates the right to "equal opportunities" with their rivals in the use of broadcast facilities, without censorship by the licensee in such use. See *Farmers Educational and Cooperative Union of America v. WDAY*, supra; *Letter to Nicholas Zapple*, 31



F.R. No. 86, pp. 6668-69, where the Commission held that a licensee could not impose upon a candidate a format which he found objectionable.

In line with the above concepts, a licensee, if he has made the judgment that his area's interests would be best served by all legally qualified candidates appearing on a particular program, may appropriately seek to implement this judgment, and specifically by making the offer of free time contingent on all candidates agreeing to appear or to waive their right to equal opportunities. He may further ask the candidates who agree to appear on the program to waive any rights to equal opportunities if, for any reason, they are subsequently unwilling or unable to appear on the program. It would then be up to the candidates to determine whether to waive or make some other decision based on their rights under section 315. Waivers given with full knowledge of the relevant facts concerning the broadcast (and assuming of course that the disclosed broadcast conditions were adhered to) would generally be binding.

The Commission believes that it would be inappropriate, in the context of your first two questions seeking general guidance in this area, to make an ironclad, absolute ruling. Extraordinary or unusual factual circumstances might arise, where fulfillment of the statutory purpose of section 315 might render a decision based on rigid adherence to the waiver inconsistent with the public interest. In short, what we rule is that as a general matter and for most practical purposes, the waiver would be binding; the unusual situation will be dealt with, if and as it might arise, in its own factual context.

If one or more of the candidates will not waive or wishes to attach some other conditions, the matter then becomes one for the licensee's judgment of what, in the circumstances, would best serve his area's needs. For example, in some circumstances, because of the importance of the race in his area, a licensee might decide that it would continue to be worth while to present the program, and then afford one candidate time at a later date; in other cases, the licensee might decide to withdraw the offer of free time. Such withdrawal is not precluded by section 315, but rather is a matter for the licensee's good faith and reasonable judgment.

As to your final inquiry, the licensee may, of course, make a factual report to all candidates that a particular candidate has refused to sign a waiver, and that the offer of free time is withdrawn. However, we stress again that any candidate who does not agree to the terms of the licensee's offer is exercising rights expressly bestowed upon him by the Congress. It would, therefore, be inappropriate for the licensee to impute blame to such a candidate, or to indicate that the candidate was acting improperly. On the contrary, as we have indicated, what is involved are the perfectly proper judgments, both by the candidates as to his 315 rights and the licensee as to what will best serve his audience in the circumstances.

For similar reasons, a licensee could not properly use a threat to blame failure of the negotiations on a particular candidate as a threat to dictate the format of the program. Any such dictation would

constitute prohibited censorship over an important facet of "the material broadcast." See *Letter to Nicholas Zapple*, supra.

The Commission recognizes the important contribution which licensees can make to an informed electorate by contributing valuable broadcast time to election campaigns. We trust that licensees will therefore continue their efforts to work out arrangements with candidates, so as to enhance the opportunities for such use of broadcast facilities. It is our hope that this ruling affords appropriate general guidance on this important matter.

Commissioner Cox dissents to the issuance of this letter.

BY DIRECTION OF THE COMMISSION,  
BEN F. WAILE, Secretary.

5 F.C.C. 2d



Montana Territory  
in the early 1880's...

When land stealers,  
hired killers,  
and renegade Indians  
fought ferociously  
for a patch of earth!



# CATTLE QUEEN OF MONTANA

BARBARA STANWYCK  
RONALD REAGAN

DISTRIBUTED BY  
RKO  
RADIO  
PICTURES

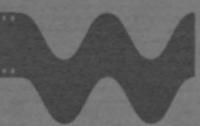
WORLD E. FORD LIBRARY

COLOR

RUNNING TIME: 88 MIN.

RELEASE DATE: 1954

adrian weiss productions

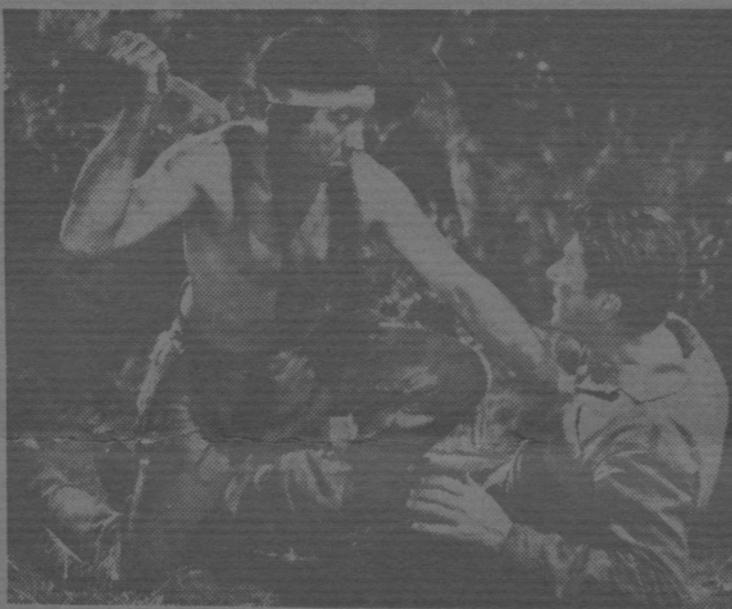


COLOR

RUNNING TIME: 88 MIN.

RELEASE DATE: 1954

## CATTLE QUEEN OF MONTANA



**CATTLE QUEEN OF MONTANA** is a romantic drama of the men and women who pioneered the Territory of Montana in the early 1880's, of friendly and enemy Indians, and of the ruthless, greedy whites who connived to hold the land for themselves. And, in particular, of Sierra Nevada Jones (Barbara Stanwyck), who stripped off her petticoats and strapped on a gun to protect the verdant Buffalo Valley rangeland for which her father (Morris Ankrum) sacrificed his life.

With her father killed and their herd of cattle stampeded, Sierra is rescued from the renegades by Colorados (Lance Fuller) on his way back from the white man's school to the Blackfeet village, where his father is Chief. Colorados believes whites and Indians can live in peace and at his insistence the tribe offers shelter to Sierra.

But Natchakoa (Anthony Caruso), who has secretly been working with Tom McCord (Gene Evans), owner of the big Bear Claw outfit, derides Colorados for bringing whites to the reservation while he brings in cattle—his share of the stampeded herd.

Sierra knows they are her cattle but the brand has been changed and she cannot prove this. At the land office, in an attempt to file a pre-empt on her father's claim, she finds Farrell (Ronald Reagan), a hired gunman for McCord to be something of an enigma. He backs up McCord's claim on the cattle and property, but defends her against the charge of "Indian lover" because of her friendship with Colorados.

How Sierra learns the true identity of Farrell, falls in love with him, and plays a part in restoring peace between the Indians and whites in Buffalo Valley makes for a story which sustains its interest, thrills and action to the very end.



STARRING

# BARBARA STANWYCK AND RONALD REAGAN

with GENE EVANS • LANCE FULLER • Directed by ALLAN DWAN • Screenplay by ROBERT BLEES & HOWARD ESTABROOK • Produced by BENEDICT BOBEAUS

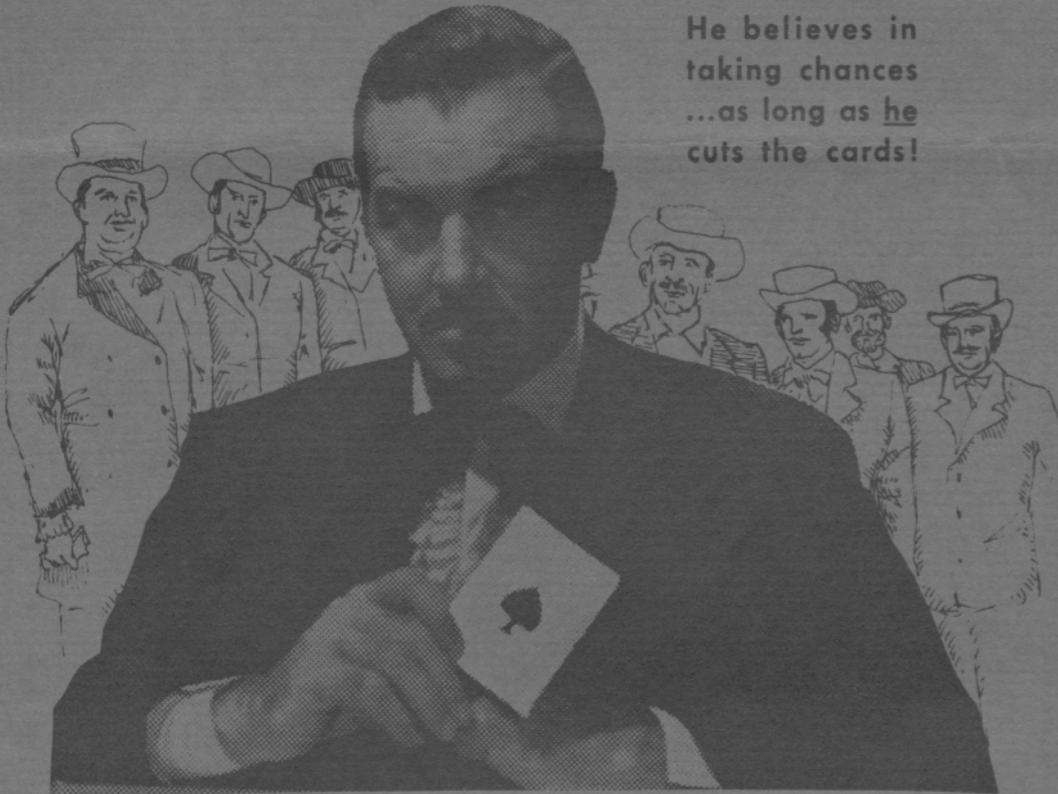
COLOR

RUNNING TIME: 87 MIN.

RELEASE DATE: 1955

JOHN PAYNE  
as: "Tennessee"

He believes in  
taking chances  
...as long as he  
cuts the cards!



# TENNESSEE'S PARTNER

JOHN PAYNE • RONALD REAGAN • RHONDA FLEMING

adrian weiss productions

COLOR

RUNNING TIME: 87 MIN.

RELEASE DATE: 1955



**JOHN PAYNE  
RONALD REAGAN  
RHONDA FLEMING  
COLEEN GRAY**

# TENNESSEE'S PARTNER

**ALL OF  
THE GUTS  
AND  
GUSTO  
OF THE  
WEST  
-AS IT REALLY WAS**



TENNESSEE'S PARTNER is a new screen version of Bret Harte's timeless story of the West. It takes place in a California gold rush town, where The Duchess (Rhonda Fleming) and her pretty proteges operate a night life establishment. Tennessee (John Payne), a gambler, shares his winnings with The Duchess.

Cowpoke (Ronald Reagan) arrives in town and saves Tennessee from being shot in the back. The two become room-mates. Cowpoke is to meet and marry Goldie (Coleen Gray). When she arrives, Tennessee discovers her to be a former flame.

Tennessee, like Cowpoke, doesn't like to see a man hurt when his back is turned. When he learns that Goldie plans to skip town with Cowpoke's \$5000 grubstake after their marriage, he talks her into eloping with him to San Francisco. At Sacramento he leaves Goldie and returns to find that Cowpoke has gone to his mine vowing to kill Tennessee on sight.

Tennessee goes to the mine and the two have a terrific fight before he can return the retrieved \$5000. The partners are reunited but an infuriated posse arrives to arrest Tennessee for the murder of a prospector he had befriended after the miner strikes it rich. In a gun fight the real murderer is caught but Cowpoke is killed. Tennessee and the Duchess are married and leave for San Francisco to start a new life.

with **TONY CARUSO • MORRIS ANKRUM**

Directed by **ALLAN DWAN** • Screenplay by **MILTON KRIMS, D. D. BEAUCHAMP** and **GRAHAM BAKER & TEDDI SHERMAN** • Directed by **BENEDICT BOGEAUS**

THE WHITE HOUSE  
WASHINGTON

April 16, 1976

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN *P.*

SUBJECT: Request for Equal Time Waiver

Adrian Weiss Productions has requested that you waive your rights under Section 315 of the Communications Act to permit the television broadcast of two of Ronald Reagan's old movies -- "Cattle Queen of Montana" and "Tennessee's Partner."

Recommendation

Stu Spencer, Bob Visser and I recommend that you sign the attached waiver.

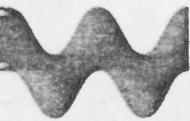


THE WHITE HOUSE  
WASHINGTON

H. P. thought you might  
enjoy seeing a "good"  
letter for a change.

*Return  
if an  
acknowledgment  
is desired, H.P.  
should sign  
for my signature  
P.*





*Handwritten notes:*  
N  
and  
BK

May 5, 1976

The President of the United States  
White House  
Washington, D.C.

Dear Mr. President:

I would like to take this opportunity to sincerely thank you for waiving your rights to equal time under Section 315 of the Communications Act, relative to the broadcasting of the Ronald Reagan films entitled "CATTLE QUEEN OF MONTANA" and "TENNESSEE'S PARTNER".

Your decision has reassured my faith in the American way . . . . . that of a third party's right to use his privately owned property without political involvement and consideration of the constitutional question of deprivation of property without due process of law, with resulting loss of revenues without compensation to such third party.

For your perusal, I have enclosed a copy of the Metropolitan News (a daily legal newspaper in Los Angeles) article pertaining to the waiver you extended to us.

Sincerely,

ADRIAN WEISS PRODUCTIONS

*Adrian Weiss*

Adrian Weiss

AW/k  
Enclosure



# politan News

DAILY LEGAL NEWSPAPER

205 SO. BROADWAY  
LOS ANGELES  
CALIFORNIA 90012

•  
ALL  
DEPARTMENTS:  
628-4384

Los Angeles, California ★ Tuesday, April 27, 1976

12 Pages — 15¢ Per Copy

## ★ Waiver

(Continued from Page 1)

the FCC will now become academic on these two films since President Ford has consented to grant the waiver applied for, on these two pictures only, the only ones applied for.

It therefore follows that these two pictures are the only ones of Reagan's old movies that can now be shown on television during this campaign for nomination to the presidency.

It also follows that this

## President Waives Right to Equal Time From Showing of 2 Old Ronald Reagan Films

By a Press Correspondent

A precedental interpretation of the Equal Time Provision (Section 315) of the Communications Act, of legal and historical significance was

being deprived of the use of his property without due process of law, in violation of his constitutional rights, resulting in substantial damage not only for

THE WHITE HOUSE  
WASHINGTON

Date 4/21

TO: Eva

FROM: BARRY ROTH *BR*

ACTION:

- Approval/Signature
- Comments/Recommendations
- For Your Information

REMARKS:

Nessen has a copy and will take appropriate steps.



THE WHITE HOUSE

WASHINGTON

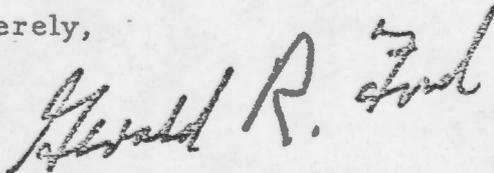
April 20, 1976

Dear Mr. Weiss:

It is my understanding that Adrian Weiss Productions has requested that I waive my rights for equal time under Section 315 of the Communications Act so that it may broadcast a number of Mr. Ronald Reagan's old films. This waiver would eliminate any claim for equal time that might arise from the showing of "Cattle Queen of Montana" and "Tennessee's Partner".

Since the nature and context of these two films do not relate to or affect the political process, I am willing to grant such waiver of my rights to equal time provided under Section 315 of the Communications Act.

Sincerely,

A handwritten signature in cursive script that reads "Gerald R. Ford". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Adrian Weiss  
Adrian Weiss Productions  
186 North Canon Drive  
Beverly Hills, California 90210

