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October 6, 1975

We disagree with the CBS and NBC decision. However, it is, of course, the right of the networks to make such decisions. We felt that the President's message was important to every American and that is why the time was requested.

As CBS and NBC know, the FCC exempts from so-called equal time regulations "on-the-spot coverage of bona fide news events." There is no question in our view that tonight's speech was such an event.

We are pleased that ABC and PBS television, and Mutual, NPR and ABC Radio are bringing the President's speech to the American people live.

get phone, telegram

one aspect of it. Federal Communications Commission v. R. C. A. Communications, D.C. 1953, 73 S.Ct. 998, 346 U.S. 86, 97 L.Ed. 1470.

Where there was only one direct public radio telegraph service between United States and Norway, the Commission did not commit an error of law in failing to interpret "public convenience, interest or necessity" as necessarily requiring the licensing of a competing direct radio telegraph service between United States and Norway. Mackay Radio & Telegraph Co. v. Federal Communications Commission, 1938, 97 F.2d 641, 68 App. D.C. 336.

3. Evidence

In proceedings on application for modification of license of public-service radiotelegraph carrier so as to permit it to maintain additional radiotelegraph circuits, evidence would justify Commission in finding that grant of authorization for additional circuits would increase rather than decrease competition, notwithstanding relationship existing between such radiotelegraph carrier and a cable carrier. Federal Communications Commission v. R. C. A. Communications, D.C. 1953, 73 S.Ct. 998, 346 U.S. 86, 97 L.Ed. 1470.

§ 315. Candidates for public office; facilities; rules

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section. June 19, 1934, c. 652,

8. Cease and desist orders

Order of Commission restricting expansion of service of community antenna television systems in areas in which they had not operated on February 15, 1966, pending hearings to be conducted on merits of complaints of licensee of television station was not a "cease-and-desist order" within meaning of provision of this chapter that "cease-and-desist orders" by Commission are proper only after hearing or waiver of right to hearing. *U. S. v. Southwestern Cable Co.*, Cal.1968, 88 S.Ct. 1994, 392 U.S. 157, 20 L.Ed.2d 1001.

Legislative history of provision of this chapter empowering Federal Commission to issue cease-and-desist orders does not deprive Commission of its authority, granted elsewhere in this chapter to issue orders necessary in the execution of its functions. *Id.*

Order of Commission restricting expansion of service of community antenna television systems in areas in which they had not operated on February 15, 1966,

pending hearings to be conducted on merits of complaints of licensee of television station did not exceed or abuse authority of Commission under this chapter. *Id.*

Commission could issue cease and desist order as a means of arresting continued construction and operation of certain channel distribution systems, as against contention that Commission's power in such regard was limited to statute relating to court injunctions to prevent construction or operation. *General Tel. Co. of Cal. v. F. C. C.*, 1969, 413 F.2d 390, 134 U.S.App.D.C. 116, certiorari denied 90 S.Ct. 173, 178, 396 U.S. 888, 21 L.Ed.2d 163.

9. Power of Commission

Commission has duty to enforce congressional policy of inhibiting lotteries and denying lottery promoter's access to facilities over which federal government has control. *New York State Broadcasters Ass'n v. U. S.*, C.A.N.Y.1969, 414 F.2d 990, certiorari denied 90 S.Ct. 752, 396 U.S. 1061, 24 L.Ed.2d 755.

§ 315. Candidates for public office—Equal opportunities requirement; censorship prohibition; allowance of station use; news appearances exception; public interest; public issues discussion opportunities

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

[See main volume for text of (1) to (4)]

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

Broadcast media rates

(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

(2) at any other time, the charges made for comparable use of such station by other users thereof.

Station use charges upon certification of nonviolation of Federal limitations of expenditures for use of communications media

(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will

47 § 315 TELEGRAPHS, TELEPHONES, ETC.

not violate any limitation specified in paragraph (1), (2), or (3) of section 803(a) of this title, whichever paragraph is applicable.

Station use charges upon certification of nonviolation of State limitations of expenditures for use of communications media; conditions for application of State limitations

(d) If a State by law and expressly—

(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 803(a) (1) (B) or (a) (2) (B) of this title (whichever is applicable) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

Penalties for violations; provisions of sections 501 through 503 of this title inapplicable

(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this title shall not apply to violations of either such subsection.

Definitions

(f) (1) For the purposes of this section:

(A) The term "broadcasting station" includes a community antenna television system.

(B) The terms "licensee" and "station licensee" when used with respect to a community antenna television system, means the operator of such system.

(C) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

(2) For purposes of subsections (c) and (d) of this section, the term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

Rules and regulations

(g) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

As amended Feb. 7, 1972, Pub.L. 92-225, Title I, §§ 103(a) (1), (2) (B), 104(c), 86 Stat. 4, 7.

1972 Amendment. Subsec. (a), Pub.L. 92-225, § 103(a) (2) (B), inserted following "No obligation is imposed" the words "under this subsection".

Subsec. (b), Pub.L. 92-225, § 103(a) (1), substituted in introductory text "by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office" for "for any of the purposes set forth in this section", added par. (1), designated existing provisions as par. (2), inserted therein the opening words "at any other time," and substituted "by other users thereof" for "for other purposes".

TELEGRAPHS, TEL

Subsecs. (c)-(f). Pub.L. 92-225, § 104(c), added subsecs. (c)-(f). Former subsec. (c) redesignated (g).

Subsec. (g). Pub.L. 92-225, § 104(c), redesignated former subsec. (c) as (g).

Legislative History. For legislative history and purpose of Pub.L. 92-225, see 1972 U.S. Code Cong. and Adm. News, p. 1773.

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1. Constitutionality

The "public interest" standard of this chapter necessarily invites reference to principles of U.S.C.A. Const. Amend. 1. Columbia Broadcasting System, Inc. v. Democratic Nat. Committee, Dist. Col. 1973, 93 S.Ct. 2080, 412 U.S. 94, 36 L.Ed.2d 772.

Granting or renewal of broadcasting licenses on willingness of stations to present representative community views on controversial issues is consistent with ends and purposes of constitutional provisions forbidding abridgement of freedom of speech and press. Red Lion Broadcasting Co. v. F. C. C., Dist. Col. 1969, 89 S.Ct. 1794, 395 U.S. 367, 23 L.Ed.2d 371.

Adoption of Commission's fairness doctrine in 1959 amendment of this section did not constitute unconstitutional delegation of Congress' legislative function. Red Lion Broadcasting Co. v. F. C. C., 1967, 381 F.2d 998, 127 U.S.App.D.C. 129, affirmed 89 S.Ct. 1794, 395 U.S. 367, 23 L.Ed.2d 371.

Neither fairness doctrine adopted by Commission nor this section from which it flows are unconstitutionally vague. Id.

Commission's directing radio station to furnish time for reply to personal attack without requiring person attacked to claim or prove inability to pay for time was authorized by this section and not prohibited by Constitution. Id.

This section requiring broadcasters to furnish time for reply to persons attacked in broadcasts did not infringe any rights retained by the people or the states. Id.

Application of this section so as to impose equal opportunities obligations upon broadcast licensees in respect to a national television appearance by a professional entertainer who was also a legally qualified candidate for public office did not operate to unconstitutionally deny entertainer equal protection or due process by forcing him to abandon his usual means of employment and livelihood in order to run for public office. Paulsen v. F. C. C., C.A.9, 1974, 491 F.2d 887.

THE WHITE HOUSE

WASHINGTON

and Don Meares of NBC

FRANK JORDAN: "NBC DOESN'T BELIEVE THAT THE PRESIDENT SITTING IN HIS

OFFICE READING ^{THIS} ~~A~~ SPEECH IS A BONA FIDE NEWS EVENT."

Frank Jordan
- 212-581-9100 (FCC?)

212-581-9100

① - 212-581-9100
② - CBS. 5 P - 6:15

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6 PM PM 3 26



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

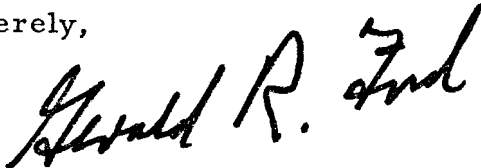
April 20, 1976

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 dark ink, reading "Gerald R. Ford". The signature is written in a cursive, flowing style with a prominent "G" and "F".

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

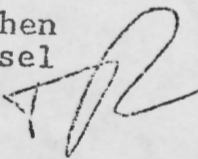
President Ford Committee

1601 L STREET, N.W. SUITE 200 WASHINGTON, D.C. 20036

April 15, 1976

MEMORANDUM

TO: Philip Buchen
Legal Counsel

FROM: Tim Ryan 

RE: Request for Waiver -- Adrian Weiss Productions

After conversations with Stu Spencer of this office and Mr. Adrian Weiss, we agree with your decision to recommend a waiver of "equal time" under Section 315 of the Communications Act for the two Reagan films noted on the draft letter to the President. If you have any comments or changes, please contact us.

T.T.R.



DRAFT OF LETTER TO
ADRIAN WEISS PRODUCTIONS

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

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,

Gerald R. Ford

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

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

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:

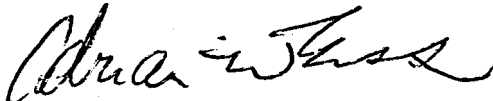
It has been brought to my attention through the enclosed newspaper article that you or your staff will take it upon yourselves to view the two (2) Ronald Reagan motion pictures we own, to determine whether or not there are any political overtones contained therein.

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.