



Reagan on CBS



Riegle on NBC

after the President concluded—"The course needs to be changed," Riegle said)—and just before the start of the second game of the World Series NBC was carrying, the cable networks also carried Riegle following the President.

But CBS chose to employ the *Other Voices* format it has used in the past in presenting contrasting views to a President's. For 30 minutes beginning at 11:30 p.m., Wednesday, it ran a series of such voices, including Riegle's, former Vice President Walter Mondale's and former President Carter's chief domestic adviser, Stuart Eizenstat.

The Democrats' selection of Riegle as a spokesman posed a problem for stations in Michigan since he is a candidate for reelection. NBC and CBS warned affiliates there they could incur equal-time obligations in carrying Riegle and therefore might prefer not to carry his portion of the broadcast. It wasn't clear how many NBC affiliates in Michigan did not carry the Riegle remarks. NBC reported only 15 stations did not carry the 7:30-8 p.m. program. CBS said two of its affiliates in Michigan that carried the President's speech did not carry the *Voices of Opposition*.

Although ABC had not carried the speech live or on tape, it contributed its bit to the dialogue through its *Nightline* program. It ran excerpts from the speech and invited comments from Mondale, whose appearance with anchor Ted Koppel had been taped in advance. Mondale, a likely contender for the Democratic presidential nomination in 1984, incidentally, was on a publicity roll as a result of Reagan's speech. In addition to his appearances on CBS and ABC on Wednesday night, he showed up for an interview on NBC's *Today* the next morning.

As for the networks' method of dealing with the President's speech, the Democrats were satisfied with NBC. The network had offered equal time on Thursday,

beginning at 7:30 p.m., but the Democrats preferred the time immediately after the President's remarks, even if it was less than equal in length. Gregg Schneiders, a party spokesman, said Riegle was able to "throw cold water" on the President's remarks. CBS was another matter. DNC Chairman Manatt said CBS was presenting "CBS's reply to the President," not the Democrats'. The Democrats were so angry at CBS the leadership called on all Democratic members of Congress to boycott the CBS program. Four Democratic senators canceled—William Bradley (N.J.), Alan Cranston (Calif.), Claiborne Pell (R.I.), and Christopher J. Dodd. (Conn.).

But that is of less consequence to CBS than the fairness complaint DNC lawyers—led by former FCC Chairman Charles D. Ferris and including two of his former aides at the commission, Frank Lloyd and Gregg Ballard—filed with the FCC on Friday. It invokes the so-called Zapple doctrine, which applies during political campaigns and holds that stations that offer free or paid time to political candidates are obliged to offer the same amount of free or paid time to their oppo-

nents for response. It creates what has been referred to as a "quasi-equal opportunity."

The DNC contends that the Zapple doctrine applies to the President's speech because it was given in support of Republican candidates for Congress. In effect then, each station airing the speech was giving free time to a supporter of Republican candidates in its area—or so the suit claims.

To buttress its claim, the suit cites the Republican effort to buy time for a partisan address during the week in which the President addressed the country, three weeks before the elections; the absence of a national emergency that might warrant nationwide address, and the broadcast of the speech shortly after the announcement of painful economic news. The suit also notes that the speech echoed statements in past political speeches by the President and closed with the line from Republican commercials, "Stay the course."

"This," Lloyd said, discussing the complaint, "is a unique case. No President has ever done this."

Court reverses Eastern Microwave

Decision by New York circuit court closely follows current legislation, making passive resale carriers exempt from copyright fees

The line of judicial decisions in cases involving resale carriers that relay television signals to cable television systems took another turn last week. This time, the turn was in favor of the carriers—and was in line with language in copyright legislation now working its way through Congress.

At issue was the appeal of Eastern Microwave Inc. from the decision of a U.S. district court judge who had held that EMI, which distributes WOR-TV New York's

signal to more than 600 cable systems by satellite and microwave networks, is liable for copyright payments to the producers of the programming (BROADCASTING, Marc 22).

But last week, the U.S. Court of Appeals for the Second Circuit, in New York, reversed that decision. In a unanimous opinion, it held that under the terms of the copyright law now on the books, EMI is a passive carrier and, therefore, exempt from payment of copyright fees.

The case grew out of the contention of Doubleday Sports Inc., owner of the New York Mets baseball team, that it is entitled to copyright payments from EMI for its