

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

M. B. SCHNAPPER, Editor, Public Affairs Press  
419 New Jersey Avenue, S.E., Washington, D.C. 20003  
Plaintiff.

(Draft)

v.

WILLIAM E. FOLEY, Director, Administrative Office of the  
United States Courts  
Supreme Court Building  
Washington, D.C. 20544

PUBLIC BROADCASTING SERVICE  
A District of Columbia Corporation  
475 L'Enfant Plaza, S.W.  
Washington, D.C. 20024

METROPOLITAN PITTSBURGH PUBLIC BROADCASTING, INC.  
Station WQED  
40802 Fifth Avenue  
Pittsburgh, Pennsylvania 15213

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This Court has jurisdiction under 28 U.S.C. Sections 604, 1331, 1337, 1338, and 1361.
2. This is an action seeking to compel the Defendants from restricting public access to officially funded films, recordings, and broadcasts about the Supreme Court under an improper contract by and between the Administrative Office of the United States Courts and the Metropolitan Pittsburgh Broadcasting, Inc. dated about March 17, 1976. Said property was produced wholly with funds (approximately \$500,000) appropriated by Congress for the purpose of enabling the Supreme Court to:
  - (a) Participate in the Nation's bicentennial anniversary;
  - (b) and promote public understanding of the Constitution of the United States.
3. The value of the amount in controversy exceeds \$10,000.00.
4. Plaintiff, M. B. Schnapper, is Editor of Public Affairs Press, publisher of educational books and pamphlets concerned with governmental activities.
5. Defendant, William E. Foley, is Director of the Administrative Office of the United States Courts, which is an agency of the United States Government having official headquarters in Washington, District of Columbia.
6. Defendant, Public Broadcasting Service, is a corporation of the District of Columbia and is concerned with limited distribution and limited broadcast of five movie films entitled "Equal Justice Under Law".
7. Defendant, Metropolitan Pittsburgh Public Broadcasting, Inc., is a Pennsylvania Public Broadcasting Service.
8. On or about March 17, 1976, the Administrative Office entered into a contract with Metropolitan Pittsburgh Public Broadcasting, Inc., under which the latter was paid, with Treasury funds, approximately \$500,000.00 to "produce for the Judicial Conference of the United States" five movie films about the Supreme Court entitled "Equal Justice Under Law".

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9. Pursuant to instructions, authorizations and express control of the Judicial Conference of the United States, the Administrative Office negotiated a contract with Defendant, Metropolitan Pittsburgh Public Broadcasting, Inc., a licensee of the Federal Communications Commission, for the production of the films entitled "Equal Justice Under Law".

10. Under the terms of said contract the Administrative Office required Metropolitan Pittsburgh Public Broadcasting, Inc. to copyright said films as private property with the stipulation that said copyright be assigned to the Administrative Office. This action clearly constituted circumvention of the Copyright Act (17 U.S.C.).

The law, 17 U.S.C. 8, prohibits copyright in "publications of the United States Government". The scope of the statute includes works such as the films at issue. Consequently no right of copyright can subsist in said films.

11. Under the terms of the contract between the Administrative Office and Metropolitan Pittsburgh Public Broadcasting, Inc., public access to the films is severely restricted to a limited audience.

WHEREFORE, Plaintiff prays:

- (1) For a preliminary Injunction or other Order of the Court invalidating the copyright of the Defendants to the films entitled "Equal Justice Under Law".
- (2) Declare that there are no valid copyright restrictions on public access to said films.
- (3) Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

M. B. SCHNAPPER

By \_\_\_\_\_

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