

# GOP Rebuffed On Broadcast Right of Reply

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Statements by Nixon administration spokesman as well as televised presidential press conferences can be a grounds on which the Democratic Party has a right of reply under the fairness doctrine in broadcasting; the U.S. Court of Appeals here ruled yesterday.

In a 36-page opinion charging the Federal Communications Commission with shoddy decision-making, arbitrariness and with using the fairness doctrine for political purposes, a three-judge panel of the appellate court struck down an FCC ruling that would have given what the panel said was "double-exposure" on the airwaves for the Republicans over the Democrats.

## Reply Prohibited

The ruling prohibits a Republican reply to a 25-minute "Loyal Opposition" broadcast over CBS by Democratic National Chairman Lawrence O'Brien on July 7, 1970.

O'Brien's broadcast, which covered the economy, crime, civil rights, defense expenditures, pollution, dissent in the nation and the Vietnam war, was itself a response to televised speeches by President Nixon.

CBS did not tell O'Brien what he was to discuss, but allocated the time under the broad rubric of the fairness doctrine, under which presidential speeches are included among broadcasts to which the opposition party has a general — though not necessarily equal — right of reply.

On July 8, the Republican National Committee complained about the breadth allowed

O'Brien, and asked for a reply to his "Loyal Opposition" program.

The FCC granted the Republican request Aug. 18 on grounds that O'Brien had addressed himself to politics rather than to issues alone.

## Ruling Outlined

In that ruling, the FCC also held that, since the president's recent speeches had "largely concentrated" on the Indochina war issue, CBS should have taken steps to insure that the Democrats' broadcast also concentrated on this issue.

Yesterday, Judges J. Skelly Wright, Edward A. Tamm and Spottswood W. Robinson III of the appellate court ruled that the FCC was overly restrictive in its view of what the democrats had a right to respond to.

Judge Wright's majority opinion warned the FCC that a "misapplication" of its fairness doctrine in politics was "providing the President's party with 'two bites of the apple.'" The doctrine has held that appearances by Republican Party spokesmen on news-type programs were irrelevant, and the court yesterday struck his down.

## Soviets Start Magazine

MOSCOW, Nov. 15 (AP)—A new quarterly magazine named "The Problems of the Far East" will be started in 1972 by the Institute of the Far East of the Soviet Academy of Sciences, the official Tass news agency said.