

Democrats File Suit Seeking TV Time to Answer Nixon

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By Sanford J. Ungar
Washington Post Staff Writer

The Democratic National Committee, charging that the Federal Communications Commission was dragging its feet, went to court this week to force expedited consideration of its request for "equal time" in response to some televised speeches by President Nixon.

Filing a petition in the U.S. Court of Appeals, the national committee complained that four months had passed since it requested free network time to respond to the President.

Relying heavily on a favorable ruling from the same court last week in another case, the Democratic National Committee complained that "the party out of office is at a particular disadvantage in seeking to communicate its views over the broadcast media, the most powerful and influential of all the communications media."

The committee charged that the FCC had acted far more promptly last summer in granting equal time for the Republican National Committee to respond to a television appearance by Democratic National Chairman Lawrence F. O'Brien.

When it comes to Democratic complaints, the commit-

tee said, the FCC fails to apply its fairness doctrine "in a vigorous and timely manner."

The disputed presidential television appearances include a two-hour interview on NBC last March, a one-hour interview on ABC a week later, and the broadcast of the President's speech on Vietnam last April 7.

General counsel of the Democratic National Committee, Joseph A. Califano Jr., filed complaints with the FCC last April 13 and 14, after the committee's requests for equal time were denied by the networks (except ABC, which permitted Democratic spokesmen to answer the President's Vietnam address).

Last month, Califano reiterated the complaints and asked for expedited action by the FCC.

But in a letter on July 30 the administrative assistant to FCC Chairman Dean Burch told Califano only that the matter was "under active consideration" and that a decision would be issued "as expeditiously as possible."

This week's petition to the Court of Appeals asserts that

prompt decisions must be rendered on such complaints because "the issues on which the DNC wishes to speak are current and changing."

The federal appellate court, which has direct jurisdiction over appeals from actions of the FCC, ruled on Aug. 3 that individual radio and television stations could not ban paid advertising on public issues.

The action, in an opinion by Judge J. Skelly Wright, came on cases involving the Democratic National Committee and an organization of antiwar businessmen.

Wright's decision was a major victory for the committee, which has strenuously sought to expand its access to broadcast media in both paid and free time.

The new petition to the appeals court asks that the FCC be required to schedule a full hearing on the committee's complaints and that the court retain jurisdiction over the case to facilitate a prompt appeal if the commission rules against the Democrats.

"Administrative inaction" by the FCC, the petition says, is tantamount to a denial of the request for equal time.