

In CBS vs. King Family, a New Hearing

By Michael Dorman

STAFF WRITER

A federal judge in Atlanta has been ordered to conduct a new hearing on whether CBS violated copyright laws by broadcasting portions of Dr. Martin Luther King's "I Have a Dream" speech without his family's permission.

In a 2-1 decision, a panel of the U.S. Circuit Court of Appeals for the 11th Circuit overruled a decision by U.S. District Judge William O'Kelley that had dismissed a lawsuit by the civil-rights leader's heirs against CBS. The new ruling, delivered Friday in Atlanta, directed O'Kelley to hold new hearings on the family's claim. The appeals court decision dealt only with procedural issues, not the full merits of the case.

The speech was delivered before about 200,000 people during the 1963 March on Washington and was carried at the time by television and radio networks, but the King family contends CBS needed permission to rebroadcast portions of it in a recent documentary.

The decision comes as the King family is involved in several other publicized issues. William Pepper, a London-based attorney who defended James Earl Ray but now represents the King family, is scheduled to appear in a Memphis court a week from today in a new effort to prove a conspiracy in the King assassination.

Pepper has filed a wrongful-death suit against Loyd Jowers, a Memphis restaurateur who once made an often-discredited claim that he had been offered \$100,000 by underworld sources to arrange King's murder, to which Ray pleaded guilty and received a 99-year sentence.

The family is also trying to sell King's papers to the Library of Con-



AP Photo

Martin Luther King Jr.'s family says CBS violated copyright law when it rebroadcast his "I Have a Dream" speech, given before about 200,000 at the 1963 March on Washington.

gress for \$20 million, but an appraiser has estimated their worth at \$10 million.

At the same time, the U.S. Justice Department is still conducting an investigation of the case, including the Jowers' claim, that has lasted more than a year but produced no conclusions. Pepper, who says he is representing the King family without charge, has participated in book and television deals involving the assassination.

King's widow, Coretta Scott King, and her four children are represented in the copyright case by Joseph Beck, an Atlanta lawyer. He said the appellate court ruling was "great news" for the family.

"After all Dr. King did to protect his copyright through registration and bringing a lawsuit against an offender, it's especially gratifying to see that the copyright has been restored," Beck said.

New York lawyer Floyd Abrams, a media specialist representing CBS, said the network would consider asking the full U.S. Circuit Court of Appeals to reconsider the decision by the divided three-judge panel.

Although the panel did not rule on the merits of the attempt to copyright such a speech, it did say: "We are unable to conclude that CBS has demonstrated beyond any genuine issue of material fact that Dr. King, simply through his oral delivery of the speech, engaged in a general publication [a legal term meaning he made it available for anyone to use in the future]."

The lawsuit resulted from use of major sections of the speech in a recent documentary, "The 20th Century with Mike Wallace."

King had tried to copyright the speech a month after it was delivered and sued the producer of unauthorized recordings of the talk.

Newsday 11/8/99