MEMORANDUM TO THE CONFERENCE:

In 71-863, C.B.S. v. Democratic National Committee and companion cases I will in due course circulate a dissenting opinion.

William O. Douglas

The Conference

cc: Law Clerks
MEMORANDUM TO THE CONFERENCE

RE: Nos. 71-863 to 71-866 - Columbia Broadcasting System v. Democratic National Committee

In due course I shall circulate a dissent in the above cases.

W. J. B. Jr.
February 6, 1973

No. 71-863, etc., - CBS v. Democratic Natl Committee

Dear Chief,

You have done an extremely thorough job in this important case, and I agree with the result you reach. I also agree with much of your proposed opinion, but portions of it, particularly Part IV, cause me considerable concern.

The upshot is that I shall probably write a short concurrence, but shall await the dissenting opinion before undertaking to do so.

Sincerely yours,

The Chief Justice

Copies to the Conference
February 6, 1973

No. 71-863, etc., - CBS v.
Democratic Natl Committee

Dear Chief,

You have done an extremely thorough job in this important case, and I agree with the result you reach. I also agree with much of your proposed opinion, but portions of it, particularly Part IV, cause me considerable concern.

The upshot is that I shall probably write a short concurrence, but shall await the dissenting opinion before undertaking to do so.

Sincerely yours,

The Chief Justice

Copies to the Conference
February 9, 1973

Re: Nos. 71-863, 71-864, 71-865 and 71-866 - Columbia Broadcasting System, Inc. v. Democratic National Committee

Dear Chief:

Because you reach and decide the First Amendment issue as a statutory matter in Part IV, I do not see the reason for Part III, which concludes that the conduct of private broadcasters does not constitute official action subject to review under the First Amendment. Indeed, I thought the Court normally avoided constitutional issues that were unnecessary to decision.

I would not in any event agree with Part III. The broadcasters make substantial claims that their conduct is either authorized or required by the Fairness Doctrine, and your Part IV seems to recognize that the Fairness Doctrine and other Communications Act policies are greatly implicated in the challenged broadcaster policy. I had thought that an otherwise private act ordered or authorized by statute or other official policy constituted governmental conduct for constitutional purposes. Peterson v. City of Greenville, 373 U.S. 244 (1963); Lombard v. Louisiana, 373 U.S. 267 (1963); Reitman v. Mulkey, 387 U.S. 369 (1967); Moose Lodge 107 v. Irvis, 407 U.S. 163, 178-179 (1972).

Otherwise I am in agreement with your opinion.

Sincerely,

The Chief Justice

Copies to Conference
February 10, 1973

Dear Chief:

I had hoped to have a dissent around by Monday the 12th in Nos. 71-863, 71,864, 71-865 and 71-866 - CBS v. Democratic National Committee.

But I'll not be able to do so. I may possibly have it by Friday the 16th.

W. O. D.

The Chief Justice

cc: Conference
To Bree Kelly
Supreme Court of the United States
Washington, D.C. 20543

February 14, 1973

I am inclined to join the C. J. in speaking to me on Thursday.

MEMORANDUM TO THE CONFERENCE:

At this stage I will not try to respond specifically to comments and memos received, except to make the following points:

1. There appears to have been some confusion about the purpose of Part IV of the opinion. Some have asked whether it is necessary to reach the "governmental action" issue in Part III since Part IV appears to decide, on both statutory and First Amendment grounds, that the CA erred in imposing a right of access. It was not my intention, however, to decide that the statutory and First Amendment issues are identical, but rather to suggest that there are "constitutional aspects" to the statutory question since Congress has most explicitly incorporated First Amendment "values" into the Communications Act. Nevertheless, if it
will help, I am willing to clarify Part IV by stressing that there we deal only with the statutory question and deal separately with the First Amendment issue. But we cannot escape deciding whether the First Amendment itself requires a right of access, unless we stop with a holding of no governmental action. I cannot be persuaded that governmental acquiescence equals governmental action or that there is governmental action here. No case of this Court comes close to sustaining such a holding here.

2. The approach taken in Part IV of the opinion, of course, will depend on whether or not there is general agreement on "governmental action" issue.

If the lack of votes "persuades" me to omit Part III, I think we would be obliged to say, of course, that even assuming, arguendo, but without intimating an affirmative view, that there is "governmental action" present, nevertheless the CA is wrong on holding a First Amendment right of access. To me that is a cart-before-the-horse approach.

I firmly feel this is an appropriate case to rely on alternative grounds since it is not a case that can be disposed of without dealing with both the Act and the First Amendment. This opinion should be structured so that

A. We find no governmental action.

B. Even assuming governmental action, we find no violation of First Amendment rights.

C. No violation of the Act.
I now have spent months in tearing that issue apart, and I see in the Court of Appeals' holding a greater threat to "free press" than some others may acknowledge. If a "governmental acquiescence" leads to a "governmental action" holding, I suggest we ponder the implications in two areas:

(a) the Fourteenth Amendment, on which I will say no more than suggest a reading of Professor Jaffe's thoughtful article in 85 Harv. L. Rev. 768, 782-87; and

(b) the printed media, which we must recognize is heavily subsidized by special mailing rates, which for some publications may be the margin of survival, and by anti-trust immunity, without which many large newspapers could not exist. (Professor Jaffe's article also provides a helpful analysis on this problem.)

For my part, I do not want to enlarge governmental action concepts so as to embrace what government permits as distinguished from what it commands.

This case is crucial to the media, and I have approached it with a view to giving broadcasters a posture as nearly as possible like that of a private newspaper, consistent with the regulatory scheme. I do not want broadcasters regulated more than they are now, which would surely be the result of a Court of Appeals' holding.

Regards,

[Signature]
February 15, 1973

Re: No. 71-863 - CBS v. Democratic National Committee, etc.

Dear Chief:

I agree with your memo of February 14th, and with Potter's comments earlier circulated, to the effect that governmental acquiescence on the facts of this case does not amount to governmental "action" for First Amendment purposes. I would favor the suggestion made by you in your memorandum that Part IV include the statement that there only the statutory question is dealt with, so that there can be no misunderstanding. Assuming that that sort of a change will be made, I join your opinion.

Sincerely,

The Chief Justice

Copies to the Conference
March 8, 1973

Re: CBS v. Democratic Nat'l Committee
Nos. 71-863 through 71-866

Dear Chief,

I don't know if you expected responses to your memorandum of February 14, but, if so, here is a brief and belated one. I am in general agreement with much that is said in your memorandum, and in particular I agree with what you say on page 3. My specific thoughts, in a nutshell, are these:

(1) We obviously must deal with both the constitutional and statutory issues, because the petitioners cannot prevail unless the respondents are wrong on both issues. I am convinced the respondents are wrong on both issues.

(2) I do not believe that in the context of this case an independent decision of a radio station or of a radio network is a decision of the Government.

(3) Since the First Amendment is a restriction upon governmental action only, the decisions of the radio stations and networks in this case do not implicate that provision of the Constitution.

(4) Propositions (2) and (3) above are so clear to me that I would be quite unwilling to "assume" that the broadcasters' decisions were Government decisions, even arguendo.

(5) If the Government (i.e., the FCC) did impose the respondents' suggested restriction upon the broadcasters' freedom of independent decision, then the broadcasters would have a very serious First Amendment claim.
(6) I think the respondents' statutory claim is totally invalid -- almost frivolous. I would deal with it directly and briefly without mentioning the First Amendment or any other provision of the Constitution.

(7) Perhaps my thinking has been unduly influenced by Hugo Black, but I am instinctively leery of talk about "First Amendment 'values'" or of the "values" of any other provisions of the Constitution.

All of the above may seem, to you and to my other brethren, too abecedarian a view of the issues involved in this litigation. But that is the way I see them.

Sincerely yours,

[Signature]

The Chief Justice

Copies to the Conference
March 29, 1973

Dear Chief:

In No. 71-863 - CBS v. Democratic National Committee - you are quite right. My opinion is not a dissent. I concur in the judgment of reversal and will circulate a new draft.

[Signature]

W. O. D.

The Chief Justice

cc: Conference
March 29, 1973

Re: 71-863, 71-864, 71-865, and 71-866

Dear Chief:

In response to your memorandum of today on the above cases I had joined Bill Brennan's dissent this morning.

Sincerely,

T.M.

The Chief Justice

cc: Mr. Justice Blackmun
    Mr. Justice Powell
Supreme Court of the United States
Washington, D.C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL
March 29, 1973

Re: Nos. 71-863, 71-864, 71-865, and 71-866

Dear Bill:

Please join me in your dissent.

Sincerely,

T.M.

Mr. Justice Brennan

cc: Conference
March 29, 1973


MEMORANDUM TO THE CONFERENCE:

This case is beginning to take shape in terms of the "line-up" and I will undertake to suggest a "score sheet" as it looks to me, bearing in mind this is all tentative:

Bill Douglas           dissents
Bill Brennan           dissents
Potter Stewart        concurs with possible separate opinion as to Part IV since he feels Part III disposed of the case
Byron White            possible concur except as to Part III
Thurgood Marshall     no response
Harry Blackmun         no response
Lewis Powell           no response
Bill Rehnquist         will concur with possible reservations as to Part IV which may now be removed if Part IV is limited to the statutory claims.

The net of this is that there are now four votes for a judgment to reverse, and if Thurgood, Harry and Lewis stay with their conference votes, then the vote will likely be 6-3 to reverse with varying positions among the six.
I will therefore now address myself to possible reconciliation of divergences among the six.

Among other things, I will make it clear that Part IV is directed at the statutory claims.

Potter, Bill Rehnquist and I are probably firm in the view of "no governmental action." In preparing the opinion I placed this point in Part III so as to facilitate the sorting out process. Only if Harry and Lewis conclude to join this will there be a Court for Part III. With or without a Court on Part III, I believe we cannot and should not avoid discussion of the factors in Parts III and IV.

I will now circulate a new draft to see if reconciliation is possible.

Regards,

[Signature]

To: Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

I address this separate memorandum to you three because you may be pondering Part III, the "governmental action" aspect.

If the action of a broadcaster is "governmental action" I submit that conclusion would create some large new problems under the Establishment Clause.

1. Can "governmental action" be permitted to sponsor church service programs on radio and TV?

2. Can we say that broadcaster action is "governmental" for the Speech Clause but not for the Establishment Clause?

With the volume of mail hitting each desk these days, I send this only to those who have not responded on the circulated draft and the February 14 memorandum treating Part III in particular.

Regards,
I have now reviewed in detail all of the circulations in these cases. In present form, the Chief's opinion relates the factual and regulatory background, in the Introduction and in Parts I and II; finds no governmental action, in Part III; and finds no violation of the public interest standard of the statute, in Part IV. Footnote 17, at the beginning of Part IV, reserves the First Amendment question as a technical matter but goes on to state that the First Amendment question is indistinguishable from the statutory one.

With the minor exceptions which I will note at the end of the memorandum, the statutory discussion is in accordance with your views both of the statute and of the First Amendment, and I recommend that you join the statutory discussion. In contrast, I find the Chief's discussion of governmental action wholly unpersuasive for the reasons I will outline below. And since the opinion, in effect, decides the First Amendment question in accordance with your views, the decision on the governmental action point is unnecessary—at minimum, the governmental action question is a difficult constitutional question which the Court ought not to reach out to decide.

I.

There is, in my view, governmental action here on
either of two related theories. The first is essentially Justice Brennan's theory: 1) the broadcast industry is subject to fairly heavy regulation as is evidenced by the provisions detailed in footnote 8 of Brennan's opinion, by the Fairness Doctrine imposing a number of specific content-related obligations on the industry, and by the requirement that one have a license to broadcast—I emphasize that these are in conjunction and not alone; and 2) having passed the threshold of general regulation, the FCC in addition investigated the specific policy challenged here and declined to Act. I find this case indistinguishable from Public Utilities Comm'n v. Pollak, 343 U.S. 451(1952).

There, the public utilities commission had general regulatory authority over a privately-owned bus company. When the bus company played irritating music on the buses, a citizen complained, the Commission investigated, and then the Commission dismissed the citizen complaint. The Court stated:

"We do recognize that Capital Transit operates its service under the regulatory supervision of the Public Utilities Commission of the District of Columbia which is an agency authorized by Congress. We rely particularly upon the fact that that agency, pursuant to protests against the radio program, ordered an investigation of it and, after formal public hearings, ordered its investigation dismissed on the ground that the public safety, comfort and convenience were not impaired thereby."

343 U.S., at 462.

The Chief attempts on page 24 of his draft to distinguish Pollak. He asserts, without a single
supporting citation, that "Congress has not established a regulatory scheme for broadcast licensees as pervasive as that in Pollak. He then shifts to a discussion of the extent to which Congress wished to leave broadcast decisions to the licensees. He does not discuss in this context the Fairness Doctrine, though later in the opinion he relies fairly heavily on it in showing that there is no need for "advertorial" access. Then, as if to recognize the weakness of the foregoing arguments, he states:

"Perhaps a more basic distinction between Pollak and this case is that Pollak was concerned with a transportation utility that itself derives no protection from the First Amendment."

Apart from the fact that I do think a transportation utility has some First Amendment rights, the distinction between Pollak and this case relates not to governmental action but to the substance of the First Amendment. Certainly, in deciding whether the policy of refusing advertorials is consistent with the First Amendment, one ought to weigh heavily the First Amendment rights of the broadcaster, but I fail to see how this relates to governmental action.

This brings me to the second theory of governmental action. I was surprised to see that Justice Brennan did not cite and rely upon Railway Employes' Dept v. Hanson, 351 U.S. 225(1956) and its progeny.
Hanson upheld over a First Amendment challenge a provision of the Railway Labor Act which authorizes railroads and unions to enter union shop agreements. The Court reached the First Amendment question only after finding governmental action:

"The enactment of the federal statute authorizing union shop agreements is the governmental action on which the Constitution operates, though it takes a private agreement to invoke the federal sanction". 351 U.S., at 232.

Hanson was reaffirmed in Intl Ass'n of Machinists v. Street, 367 U.S. 740(1961) in which the Act was construed "to avoid serious doubt of its constitutionality" as forbidding unions to spend dues for political purposes over the objection of individual members. Finally, in Lathrop v. Donahue, 367 U.S. 820(1961), the Court upheld the Wisconsin requirement that a lawyer join an integrated bar, noting that the case resembled Hanson and suggesting by implication that Street principles would prohibit the bar from using membership fees to engage in political activities offensive to its members. It seems to be that these cases stand collectively for the proposition that when the government creates a monopoly or near-monopoly and places it in private hands, those who control the monopoly or near-monopoly are engaged to some extent in governmental action for the purposes of First Amendment limitations. Of course, mere licensing
does not place such power in private hands. The Moose Lodge involved in Irvis had only one of more than 100 liquor licenses in the area, and those were liquor licenses rather broadcast frequencies. Here, at least arguably, the government drove private persons off the air in order to establish the present regulatory scheme and severely restricted the number of licenses.

In short, I think that there is governmental action here. I find Pollak almost conclusive as a matter of precedent, and while the Street argument is a more complex one calling for further elaboration and limitation by this Court, it should not be ignored and ought not to be foreclosed in a case where decision on the governmental action point is not necessary.

II.

I take it from Justice White's circulation that he is in basic agreement that the Court need not and should not decide the governmental action question. Informally, I understand that Justice Blackmun is also uncertain on this point. That leaves the Chief and Justices Stewart and Rehnquist.

Justice Stewart seems to have been the moving force in placing emphasis on the governmental action question. As I see it, he wants to rely on this point alone in order to preserve his freedom in a subsequent case to state that the FCC may in no case regulate the content of broadcasting. This, of course, is inconsistent
with Red Lion, where the constitutionality of the obligations imposed by the Fairness Doctrine was upheld. In addition, Justice Stewart's earlier circulation suggests that he would denude the statutory discussion of any but the most oblique references to the First Amendment. In sum, his position is that because there is no governmental action, the First Amendment is not implicated, and that the statutory claim is frivolous and relates only to the "public interest" a vague standard the administration of which is always left to the relevant agency. I do not think that this accords with your view.

An additional comment seems appropriate regarding the "parade of horribles" offered by the Chief in his circulation of March 29, 1973. There, he asks

"Can "governmental action" be permitted to sponsor church service programs on radio and TV?"

In my view, the answer is "yes", for two reasons. To state that an action of the broadcaster approved a la Pollak is governmental action is not to conclude that the broadcaster does not himself have First Amendment rights. Surely the storeowners in Logan Valley and the company in Marsh were not stripped of their First Amendment rights by the Court's conclusion that they must respect the First Amendment rights of others.
The second point is that the First Amendment also has a Free Exercise Clause, which may permit or (conceivably) require broadcasters to allow religious programs. The general point is that these are all questions of First Amendment balancing made more difficult and touchy by the peculiar nature of the broadcasting medium—broadcasting is peculiar for First Amendment purposes and we therefore often defer to the FCC, but I have seen no reason to support the conclusion that broadcasting is special for governmental action purposes.

III.

There are a few nits which I would pick with Part IV of the Chief's opinion. We have already discussed two of them, when the Chief circulated his first draft. One is on page 30. There, the opinion states:

"To agree that debate on public issues should be 'uninhibited, robust, and wide-open' does not mean that we should exchange the 'public trustee' broadcaster for the unregulated editorial huckster, and for no better reason than that we are already compelled to bear with an overabundance of unwelcome commercial hucksterism." I find this offensive and wholly unnecessary. We have no reason to believe that the particular persons who sought access in this case are hucksters, nor that the general run of such people would be. A second is on page 32. Again, I see no point in referring to the material sought to be presented as "unwanted propaganda" thrust upon the public.
Finally, I find footnote 26 (page 34) a gratuitous insult to the Court of Appeals. This is, after all, a difficult and important case in which the CA wrote a scholarly opinion.

IV.

In conclusion, I would join the statutory discussion without the offensive passages, but would await a brief opinion from Justice White or write one yourself indicating that the statutory discussion disposes as well of the First Amendment claim and stating that you would not reach the question whether there was governmental action here.
Supreme Court of the United States  
Washington, D.C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

April 16, 1973

Re: #71-863, 71-864, 71-865 & 71-866 -  
Columbia Broadcasting System v.  
Democratic National Committee

Dear Chief:

As I have previously indicated, I join  
Parts I, II and IV of your opinion in these  
cases, as well as the Court's judgment. I am  
still having difficulties with Part III, how­
ever, but will either join it or shortly  
circulate a brief opinion.

Sincerely,

[Signature]

The Chief Justice

Copies to Conference
April 19, 1973

Re: Nos. 71-863, 71-864, 71-865 and 71-866 - CBS v. Democratic National Committee, etc.

Dear Chief:

Please join me.

Sincerely,

The Chief Justice

Copies to the Conference
April 19, 1973

PERSONAL

Re: Nos. 71-863, 71-864, 71-865 and 71-866
CBS v. Democratic National Committee, etc.

Dear Chief:

I hesitate to mention language changes in an opinion which has been as difficult and complex as the above, and in a case to which you have contributed so much to a satisfactory result.

It does occur to me, however, that the language of the opinion in some instances may unnecessarily invite criticism. On page 30, the opinion refers disparagingly to "unregulated editorial huckster(s)", and to "an overabundance of unwelcome commercial hucksterism". While I certainly agree with you as to the characterization of much commercial advertising, and suspect you are right in your estimate of many of the "editorials" that would result, I would not wish to brand all parties in both categories as "hucksters". The same thought occurred to me as to the phrase "unwanted propaganda" being thrust on the public (page 32). No doubt most of the paid editorials would be unwanted propaganda, but I can think of some that I myself would like to pay for to counteract what I now regard as the biased and often distorted "reporting" of the regulated media.

I thought I might share these thoughts with you.

Sincerely,

The Chief Justice

lfp/ss
April 19, 1973

Re: Nos. 71-863, 71-864, 71-865 and 71-866
CBS v. Democratic National Committee, etc.

Dear Chief and Harry:

In view of our conversations, both of you know that I have had difficulty with Part III of the Chief's fine opinion for the Court.

I have concluded after further study, including a review of Jaffee's article, Public Utilities Commission v. Pollak, 343 U.S. 451, and other authorities that I remain in doubt on the governmental action issue as it is presented in this case. Nor do I think it necessary for us to decide that issue.

Accordingly, I write to join in the Court's judgment and in Parts I, II and IV of the opinion. I will also join in Harry's concurring opinion.

Sincerely,

The Chief Justice
Mr. Justice Blackmun

cc: The Conference
MEMORANDUM TO THE CONFERENCE:

The third and probably final draft of the above opinion went to you earlier today, and I had intended to send a cover letter calling attention to a substantive change in Part IV. The change restores the first draft approach of dealing with both the statutory claims of the First Amendment claim in Part IV.

In the second draft Part IV was not an explicit First Amendment treatment as it now is. There will probably be a Court on Part IV since Justices White, Blackmun, Powell and Rehnquist have indicated in prior voting an acceptance of Part IV as now written.

Regards,

P. S. -- For the record I would appreciate hearing from those who join.
May 24, 1973


Dear Chief:

Had Part III of your opinion gotten a Court, I would have preferred to see Part IV cast in nonconstitutional terms. However, since Part III did not get a Court, I join you in the redraft of Part IV as well as in the other parts of the opinion.

Sincerely,

[Signature]

The Chief Justice

Copies to the Conference
May 24, 1973

Re: Nos. 71-863, 71-864, 71-865 and 71-866 - CBS v. Democratic National Committee

Dear Chief:

As before, I join Parts I, II and IV of your opinion (Draft No. 3) as well as the judgment of reversal.

Sincerely,

[Signature]

The Chief Justice

Copies to Conference
May 24, 1973

Re: No. 71-863 - CBS v. Democratic National Committee and related cases

Dear Chief:

I join your recirculation of May 23, with the explanation of the limits of my joinder as set forth on page 1.

Sincerely,

[Signature]

The Chief Justice

c: The Conference
May 24, 1973

    and Related Cases

Dear Chief,

    In response to your memorandum of May 23, this will confirm that I continue to join Parts I, II, and III of your opinion.

Sincerely yours,

[Signature]

The Chief Justice

Copies to the Conference
May 24, 1973

No. 71-863, 71-864, 71-865, 71-866
CBS v. Democratic National Committee

Dear Chief:

Referring to your third draft, recirculated May 23, I write to confirm that I join in Parts I, II and IV of your opinion for the Court. I remain with Harry in his concurring opinion.

Sincerely,

The Chief Justice

cc: The Conference

lfp/ss
In Part IV the Court determines "whether, assuming governmental action, broadcasters are required" to accept editorial advertisements "by reason of the First Amendment." Ante, at p. 26. The Court concludes that the Court of Appeals erred when it froze the "continuing search for means to achieve reasonable regulation compatible with the First Amendment rights of the public and the licensees" into "a constitutional holding." Ante, at p. 37. The Court's conclusion that the First Amendment does not compel the result reached by the Court of Appeals demonstrates that the governmental action issue does not affect the outcome of this case. I therefore refrain from deciding it.
MEMORANDUM TO THE CONFERENCE


In the light of Harry Blackmun's revised concurring opinion, I have had to make changes in my opinion. Enclosed herewith are a revised first paragraph and first sentence of the second paragraph of Part II of my opinion. I trust that the printer will be able to make these changes in time to bring these cases down on Tuesday.

P. S.
II.

Part IV of the Court's opinion, as I understand it, seems primarily to deal with the respondents' statutory argument -- that the obligation of broadcasters to operate in the "public interest" supports the judgment of the Court of Appeals. Yet two of my concurring brethren understand Part IV as a discussion of the substantial First Amendment issue that would exist in these cases were the action of broadcasters to be equated with governmental action. So, according to my Brother Blackmun, "the governmental action issue does not affect the outcome of this case." Post, at . The Court of Appeals also conflated the constitutional and statutory issues in these cases. It reasoned that whether its decision "is styled as a 'First Amendment decision' or as a decision interpreting the fairness and public interest requirements 'in light of the First Amendment' matters little." 450 F.2d 642, at 649.

I find this reasoning quite wrong and wholly disagree with it, for the simple reason that the First Amendment and the public interest standard of the statute are not coextensive.
May 25, 1973

Re: No. 71-863 - CBS v. Democratic National Committee and related cases

Dear Lewis:

The enclosed is what I am sending down to the Printer as a substitute for my circulation of May 14, in which you have joined.

I am assuming, from our conversation of this morning, that this will be acceptable to you. It is in somewhat different form from that which you handed me at conference, but I feel certain that the content is the same.

Sincerely,

[Signature]

Mr. Justice Powell
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71–863; 864; 865; 866
CBS v. Democratic National Committee
CBS Corp.

Bell's views

1. Read him not compelling either way. Language can be cited to support both side

2. Commercial ads - many editorially
   E.g. 1) Coned Women's bill to buy time to answer inference in comm. ads.
   2) Deplorabi

3. Is Farmer's Doctrinal Enforced Vigorously?

   How many licenses have been denied renewal for violation of
   Farmer's Doctrine?

   Sec 315 of Comm. Act

   Farmen Doctrin - A Comm. Publ
   require public information program
   Anyone attacked may reply.

   If a station endorsed candidate
   it must provide equal time.