

WMBR

605 So. Main St. - P.O. Box 5187
Jacksonville, Florida

REQUEST FOR TIME FOR POLITICAL BROADCASTS

Date of Request March 15, 1956

Time of Request _____

Person Requesting Farris Bryant

Address & Telephone Number Ocala, Florida

Telephone - Marion 2-3154

How was Request Made? (Telephone, Letter, in Person, etc.) _____

Telephone

Broadcasting is to be used for and by (Be explicit, especially with names of candidates and names and identification of speakers) _____

Farris Bryant, Candidate for Governor

Free or charge? Charge

Amount of Time Requested: Day or Evening Time; Length of Periods; No. of Periods; Announcements, etc. _____

Dates Requested _____

Does applicant have authorization from the candidate's campaign treasurer? _____

Remarks (Adequacy of Standard Agreement for Political Broadcasts for this purpose) Asked to meet with him tonight at 7:00 p.m. to arrange for time.

Name of Station Representative taking Request Glenn Marshall, Jr.

NOTE: A complete report on the disposition of this request, and all preliminary action, must be made on the reverse side hereof.

INDEMNIFICATION AGREEMENT

In consideration of the grant of a request to permit the undersigned to participate in a broadcast on Station WGER-TV and WGER, and others* on March 21, 1956, the undersigned agrees to indemnify and hold harmless The Washington Post Company and its officers, directors, agents, stockholders and employees, and its and their successors and heirs from and against any and all claims, damages, liabilities, costs and expenses, including attorneys' fees, arising out of any libel, slander, defamation or any other invasion of the rights of others by the undersigned during the course of said broadcast.

.....

Accepted:

The WGER Division of
The Washington Post Company

By.....

Date.....

- * Other stations:
Radio Station WROD, Daytona Beach
Radio Station WRUF, Gainesville
Radio Station WTAL, Tallahassee
Radio Station WFLP, Panama City
Radio Station WTTB, Vero Beach
Radio Station WCOA, Pensacola
Radio Station WGOO, Orlando
Radio Station WJBC, West Palm Beach
Radio Station WDAE, Tampa
Radio Station WQDR, Miami

* Disposition of Request for Political Time

Shown on Reverse Side

Date and Summary of answer to Request Met Mr. Bryant at 8 p.m. on 3/15/56.

He asked for 9 p.m. March 21st on WGER-TV and that this also be cleared on state network. Told him we would clear time on WGER-TV and that I would endeavor to do same of state network. Would report back to him on 3/16/56. Talked to Mr. Kynes at 4:25 p.m. telling him that state network would be \$4600.00. Dropped idea and ordered 9:00 to 9:30 p.m. March 21, 1956.

Also asked us to try and clear some time on 11-station statewide network for same date.

Final Disposition of Request Granted 9:00 to 9:30 p.m. March 21, 1956.
Rate \$420.00 station time plus \$23.78 for production.

At 3:00 p.m. notified Mr. Kynes that the 11 Florida stations had been cleared for broadcast of TV speech of Mr. Bryant.

- * This sheet should be a complete record of all activity regarding this request. Be sure to enter the dates of every contact, together with names, etc. Each entry should have name of station representative.

This report must be filed with the manager. If the request is accepted; the written contract must accompany it. If further activity is necessary after contract is written, keep a supplementary report, on this form, marked "supplement", and file with the manager.

STANDARD AGREEMENT FOR POLITICAL BROADCASTS

.... March 19 19. 54 ...

WMBR
605 South Main Street
Jacksonville, Florida

Gentlemen:

I, Farris Bryant } (being
representing
assessing)

a legally qualified candidate for the office of Governor of State of Florida
..... in the May 14, 1956

election, request the following broadcast time for the purpose of promoting such
candidacy:

STATION(S)..... WMBR-TV and WMBR

PARTICIPANT(S)..... Farris Bryant

DATE(S)..... March 21, 1956

FROM..... 9:00 ~~AM~~ PM local standard time

TO..... 9:30 ~~AM~~ PM local standard time

TV 420.00 plus 23.70 production charge

RATE... Radio 32.00 plus network

Payment for this broadcast time is being made from funds furnished by Dwight ..
County Campaign Headquarters and you are directed to so de-
scribe the sponsor in your program log, or otherwise, and to announce the pro-
gram as paid for by such person(s).

It is my understanding that the above rate is the rate for comparable station
time charged all candidates for the public office described above and does not
exceed the rate for comparable use of the station for other purposes, and the
same is agreeable to me.

In consideration of the granting of this application and the allotment of time,
I agree to indemnify and hold harmless The Washington Post Company and its offi-
cers, directors, agents, stockholders and employees, and its and their successors
and heirs, from and against any and all claims, damages, liabilities, costs and
expenses, including attorney's fees, arising out of any libel, slander, defama-
tion or any other invasion of the rights of others which may occur during the
course of, or in connection with, any such broadcast.

For the above broadcasts script will be prepared and will be in the hands of the
radio station at least 24 hours before the date of any such
broadcast.

REGULATIONS RELATING TO POLITICAL BROADCASTS

From Section 1464 of the Criminal Code:

Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

From Section 315 of the Communications Act of 1934, as amended:

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

From Section 317 of said Act:

All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

From Federal Communications Commission's interpretive letter of May 10, 1946 to Radio Station KCB:

Section 317 of the Communications Act makes it mandatory that an announcement be made of the identity of the sponsor in all cases where a broadcast station receives or will receive a consideration for time. This is the burden of each station licensee and it is incumbent upon it to take all reasonable measures in this connection. The fact that in particular cases the station may be required to make a different type of investigation to determine the facts relating to identity of sponsorship is not considered to violate the equal opportunity provision of the Act.

From the FCC Rules and Regulations Governing Radio and Television Broadcast Stations:

I will abide by all the requirements of the several laws relating to such broadcasts, including the provisions of the Election Code of the State of Florida, the Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission, in particular those provisions reprinted on the back hereof, which provisions I have read and understand.

Additional remarks:

.....
Signature

.....
Title

.....
Address

.....
Telephone

Accepted)
Rejected) by.....

For WMBR, An Operating Division of
The Washington Post Company.

If rejected, the reasons therefor are as follows:

This application, whether accepted or rejected, will be available for public inspection in accordance with FCC Regulations.

Sections 3.189, 3.289 and 3.654 _____ Sponsored programs, announcement of.

(a) In the case of each program for the broadcasting of which money, services, or other valuable consideration if either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: provided, however, that only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of thestations carrying the program.

Sections 3.190, 3.290 and 3.657 - Broadcasts by Candidates for public office.

(a) Definitions

A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors and who:

- (1) has qualified for a place on the ballot, or,
- (2) is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and
- (1) has been duly nominated by a political party which is commonly known and regarded as such, or,
- (if) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) General Requirements

No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities; provided, that such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) Rules and Practices

The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) Records; Inspection

Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

Section 3.181(a), 3.281(a) and 3.663(a) require the licensee or permittee of each station to make entries in the program log as follows:

- (2) If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.
- (3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

From Section 770.03 of the Florida Code:

The owner, lessee, licensee or operator of a radio broadcasting station shall have the right, but shall not be compelled, to require the submission of a written copy of any statement intended to be broadcast over such station twenty-four hours before the time of the intended broadcast thereof; and when such owner, lessee, licensee or operator has so required the submission of such copy, such owner, lessee, licensee or operator shall not be liable in damages for any libelous or slanderous utterance made by or for the person or party submitting a copy of such proposed broadcast which is not contained in such copy; but this section shall not be construed to relieve the person or party, or the agents of or servants of such person or party, making any such libelous or slanderous utterance from liability therefor.

From Section 99.161 of the Florida Code:

(7) Written authorization of expenditures required. - No expenses shall be incurred by any candidate for election or nomination to political office, or by any person, corporation, or association in his behalf, or in furtherance or aid of his candidacy, unless prior to the incurring of the expense a written order shall be made upon the form prescribed (by the Secretary of State) and signed by the campaign treasurer of the candidate authorizing the expenditure, and no money shall be withdrawn or paid by any campaign depository from any campaign fund account except upon the presentation of the written order, so signed, accompanied by the certificate of the person claiming the payment, which certificate shall state that the amount named in the order, or such part thereof as may be claimed, naming the amount claimed, is justly due and owing to the claimant, that the order truly

states all of the purposes for which the indebtedness was incurred, and that no person other than the claimant is interested, directly or indirectly, in the payment of the claim, and unless an order for payment in and upon the form prescribed, and signed by the campaign treasurer or deputy treasurer, is presented to the campaign depository; provided that any such authorization may be issued by the campaign treasurer to the candidate for traveling expenses still to be incurred. The order authorizing such expenditure, the certificate, and the order for payment shall be on the same piece of paper.

From the March 17, 1953 opinion of the Supreme Court of Florida in the case of Smith (WFLA) v. Ervin:

1. . . . owner of a duly licensed and operating radio station in the State of Florida may not accept money or checks (as those words are commonly intended and understood) in payment of political advertising in furtherance of the candidacy of a candidate for political office in the State of Florida unless authorized by the campaign treasurer of such candidate as prescribed in subsection (7) of Section 99.161, Florida Statutes. However, this authorization need only be in the form of a letter or memorandum, signed by said treasurer, authorizing the contributor to make such expenditure, and accepting the advertisement as a contribution of a thing of value, to be recorded and reported as such.
2. An individual citizen of the State of Florida may purchase time on a radio station in which to voice his views in furtherance of the candidacy of an individual, if he has first obtained authorization from the campaign treasurer of the candidate in the manner discussed under question 1 above.
3. . . . Section 99.161 is concerned only with those contributions and expenditures which further the candidacy of a candidate for nomination or election to political office in the State of Florida. Nominees of major national political parties are not candidates for political office in the State of Florida within the purview of this law.