## Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Blackwell, Morton: Files

Folder Title: American Legal Foundation

**Box:** 1

To see more digitized collections visit: <a href="https://reaganlibrary.gov/archives/digital-library">https://reaganlibrary.gov/archives/digital-library</a>

To see all Ronald Reagan Presidential Library inventories visit: <a href="https://reaganlibrary.gov/document-collection">https://reaganlibrary.gov/document-collection</a>

Contact a reference archivist at: <a href="mailto:reagan.library@nara.gov">reagan.library@nara.gov</a>

Citation Guidelines: <a href="https://reaganlibrary.gov/citing">https://reaganlibrary.gov/citing</a>

National Archives Catalogue: <a href="https://catalog.archives.gov/">https://catalog.archives.gov/</a>

# AMERICAN LEGAL FOUNDATION

1612 K STREET, N.W. SUITE 502B WASHINGTON, D.C. 20006

December 6, 1982

Mr. Morton Blackwell The White House Washington, D.C. 20550

Dear Morton:

I want to take this opportunity to introduce you to the American Legal Foundation.

As you may know, the American Legal Foundation (ALF) is the only conservative, pro-free enterprise public interest law center in America that devotes its entire legal agenda and resources solely to combatting media bias and countering the legal efforts of left-wing, pro-regulation groups like the National Black Media Coalition, Ralph Nader's National Citizens Committee for Broadcasting, Christ Church Office of Communications, and the Media Access Project.

We've made the liberal media activists and broadcasters very nervous with our continuing legal and public education campaigns against media bias and special interest control of the public airwaves. For the first time, they have had to contend with a non-profit public interest media organization that's fighting for conservative ideals and principles.

Some of ALF's activities that have caused this liberal anxiety include: opposing at the FCC over 55 petitions to deny the license renewals of television and radio stations brought by liberal activists such as the National Black Media Coalition, Ralph Nader's National Citizens Committee on Broadcasting, etc.; initiating a nationwide effort to eliminate so-called "Citizens Agreements" which give special interests direct control over a station's programming by both representing local conservative groups in their efforts to have these agreements terminated and initiating FCC rulemaking; bringing our own petition to deny the license renewal of the Washington, D.C. station of the leftist Pacifica Foundation; bringing numerous Fairness Doctrine complaints against the networks' slanted treatment of such issues as national defense and the business community; defending over 15 television stations against attempts by People for the American Way to have

Mr. Morton Blackwell December 6, 1982 Page Two

them eliminate their religious broadcasts; opposing the efforts of the Democratic Party to get free air time to respond to President Reagan's speeches and Republican advertisements, and attempting to have the FCC discontinue their required "Affirmative Action" policy.

ALF believes that this type of direct intervention into this vital marketplace of ideas is the most effective means of ensuring a fair and balanced presentation of the conservative viewpoint over our nation's airwaves. That is why we are the only conservative organization which devotes all of its resources to media reform. As the list of accomplishments above demonstrates, this focused effort has been quite successful and has directly benefitted a number of conservative organizations.

We are ready, willing and able to provide a similar service for you. If you or those you know have encountered media bias on particular issues or otherwise been treated unfairly by the "media elite," we would be happy to provide our legal assistance in the FCC, the courts, or in direct negotations with a broadcaster.

In light of the recent elections, we believe that it is more important now than ever to get an accurate portrayal of free market policies across to the nation's citizens. To do this successfully, we need your cooperation and the invaluable information you can provide.

I hope you will not hesitate to contact me on issues you feel the American Legal Foundation should be pursuing.

I look forward to working with you and encourage you to contact me to discuss ALF's work.

Sincerely,

Michael Carvin Executive Director

MC;mjg Enclosures

P.S. I have enclosed a few articles which further describe some of ALF's activities.

# Broadcasting & Nov 15

## Minority Preference in FCC Lottery Plan Criticized

American Legal Foundation calls 2-1 ratio proposed by commission 'unconstitutional and immoral'

When the FCC gets around to adopting its rule authorizing the use of lotteries to choose among competing applicants, it should reject its "unconstitutional and immoral" proposal to grant minorities a 2-1 preference "and adopt a procedure which benefits only those who have suffered," according to the American Legal Foundation.

In comments at the FCC, the foundation contended that the proposed 2-1 preference would establish the "functional equivalent" to the racial quota that the Supreme Court, in Regents of the University of California v. Baake and Fullilove v. Klutznick, has declared to be unconstitutional.

In Baake, the Foundation noted, the court said that a state university may consider race or ethnic background as one of several competing factors when making a qualitative determination among individual applicants. But the court said such a procedure, unlike the university's set-aside preference program, was permissible because "racial intent to discriminate was evident on its face. The commission's proposed system, however, would not balance race or ethnicity as simply one of several criteria in awarding licenses," the foundation said. "A lottery by its nature obviously does not permit the weighing of different qualifications; random chance alone determines who will receive the license. By rigging this lottery to guarantee that minorities will receive double the number of licenses as other applicants, the commission has established the same type of facially discriminatory system that was struck down in Baake."

Fullilove, the foundation noted, arose over a public works act that required state and local governments to subcontract at least 10% of federally granted funds to minority-owned businesses. Although the Supreme Court upheld the program, it warned that the program "may press the outer limits of congressional authority." And, according to the foundation, the commission's proposed racial preference scheme had none of the characteristics that saved the public works program from being struck down. "The Fullilove set-aside was upheld only because it was a 'limited and properly

tailored remedy to cure the effects of prior discrimination," the foundation said. "The commission's proposed quota, in contrast, is neither 'limited,' 'properly tailored,' a 'remedy' nor based on any findings of 'prior discrimination' and therefore [is] violative of the equal protection clause," the foundation said.

"As Fullilove—and Baake before it—established, a fundamental prerequisite to the imposition of a racial preference classification is a finding of prior discrimination in the industry or area to be affected by the classification," the foundation said.

"This finding of discrimination must be much more focused than a general finding of overall 'societal discrimination,' an amorphous concept of injury that may be ageless in its reach into the past," the foundation said. "In stark contrast to the procurement practices in Fullilove, however, the procedure by which the commission grants licenses has never been racially discriminatory or been somehow subtly designed to perpetuate the effects of prior discrimination," the foundation said.

"Since no prior discrimination has been identified, no race conscious 'remedy' is justified," the foundation said.

As an alternative, the foundation suggested that the commission use the same procedure that saved the grants program in Fullilove: Give the 2-1 preference only to those minority applicants who can demonstrate that the effect of actual prior discrimination against their business has been the cause of their inability to obtain an FCC license. "In this way, the commission can shift the lottery system from one that simply draws invidious racial classifications to one which would actually serve a 'remedial' purpose of helping those who have truly suffered," the foundation said. "At a minimum, the commission should establish a complaint procedure in which an interested party could rebut the presumption that the minority applicant was entitled to the preference by showing that discrimination had not hindered the minority's ability to obtain a license," the foundaiton said.

#### License Reneval Update

In late 1981, Congress changed the license renewal dates for television and radio stations. The license term for radio stations will now be seven years while the term for television stations will be five years. The correct dates, state by state, are listed below.

	ate by	State, are fisted below.	
	ВОТН	TV	RADIO
7]-1 71-1	1002	1007	1000
AlabamaApril l		1987	1989
AlaskaFebruary 1		1989	1991
ArizonaOctober 1		1988	1990
ArkansasJune l	•	1987	1989
California.December 1	, 1983	1988	1990
ColoradoApril 1	, 1983	1988	1990
ConnecticutApril 1	, 1984	1989	1991
DelawareAugust 1	, 1984	1989	1991
D.COctober 1	, 1981	198€	1988
Florida February 1		1987	1989
GeorgiaApril 1		1987	1989
HawaiiFebruary 1		1989	1991
IdahoOctober 1		1988	1990
IllinoisDecember 1		1987	1989
IndianaAugust 1		198-	1989
IowaFebruary 1		3325	1990
		3321	1990
KansasJune 1		1982	1989
KentuckyAugust 1	-		
LouisianaJune 1		1987	1989
MaineApril 1		. C 5 '	1991
MarylandOctober 1	-	166	1988
Massachusetts.April 1		1989	1991
MichiganOctober 1		766	1989
MinnesotaApril l		1388	1990
MississippiJune l		198-	1989
MissouriFebruary l	, 1983	1988	1990
MontanaApril 1	, 1983	3321	1990
NebraskaJune 1	, 1983	1988	1990
NevadaOctober 1	, 1983	1988	1990
New Hampshire. April 1	, 1984	1989	1991
New JerseyJune 1	, 1984	1989	1991
New MexicoOctober 1		1988	1990
New YorkJune 1	, 1984	<u> </u>	1991
North Carolina			
December 1	, 1981	1986	1988
North Dakota April 1		198:	1990
OhioOctober 1		1987	1989
OklahomaJune 1	•	1928	1990
OregonFebruary 1	•	1989	1991
Pennsylvania. August 1		1989	1991
Puerto Rico	, 1001		
February 1	. 1982	1987	1989
Rhode IslandApril 1		1989	1991
South Carolina	, 1504	1000	1001
December 1	1003	198€	1988
	-	1988	1990
South DakotaApril 1			1989
TennesseeAugust 1		1987	
TexasAugust 1		1988	1990
UtahOctober 1		1988	1990
VermontApril 1		1989	1991
VirginiaOctober 1	, 1981	1986	1988
Virgin Islands			
February l		1987	1989
Washington. February 1	, 1984	1989	1991
West Virginia			
October 1	, 1981	1986	1988
WisconsinDecember 1		1987	1989
WyomingOctober 1	, 1983	1988	1990

# THE WHITE HOUSE WASHINGTON February 15, 1983 Mr. Daniel Enos President Interstate Taxpayers Network P. O. Box 40083 Washington, D. C. 20006 Dear David:

I very much enjoyed our recent telephone conversation and am pleased to know that you are engaged in the effort of contacting and expanding the growth of state and local taxpayers associations.

This effort has been badly needed for some time.

As I mentioned to you, I had on November 1 a coalition of people concerned with tax limitation in for a brain storming session. Enclosed are the suggestions made by one or more people at that meeting as well as a list of names and addresses of those people. I hope the list will be of use to you, and I solicit your comments on and additions to my notes from the meeting.

I am, by copy of this letter, urging Paul Weyrich to contact you. He has been a key activist in the formation of a wide variety of conservative organizations.

I am pleased to know also that you are on the staff of Chuck Colson's Prison Fellowship. It is an excellent organization. Please give Chuck my regards.

Rest assured that we will keep you informed of events and activities of interest to the Interstate Taxpayers Network. I hope you will be able to join us in forthcoming White House events.

Cordially,

Morton C. Blackwell Special Assistant to the President for Public Liaison

Enclosure

CC - Mr. Paul Weyrich
Free Congress Foundation
721 Second Street, N. E.
Washington, D. C. 20012

#### THE WHITE HOUSE

#### WASHINGTON

TAX LIMITATION COALITION MEETING, NOV	TEMBER 1, 1982
3 P. M. ROOM 191	
John Albertine American Business Conference	822-9300
Mark Bloomfield American Council for Capitol Formatio	293-5811 on
Bill Shaker National Tax Limitation Committee	393-2060
John Lynch Citizens Choice	463-5540
Grace Ellen Rice American Farm Bureau Federation	484-2222
John Motley National Federation of Independent Bu	554-9000 siness
David Franasiak Ron Utt U.S. Chamber of Commerce	463-5620
Tom Cook National Cattlemen's Association	347-0228
Andre Le Tendre American Lobby for the Balanced Budge	225-3865 t
David Keating National Taxpayers Union	543-1300
Dr. Norman Ture David Raboy Institute on the Research of the Econo	223-6316  omics of Taxation (IRET)
Dirk Van Donegan National Association of Wholesalers	872-0885
Tom Humbert Heritage Foundation	546-4400

TAX LIMITATION COALITION MEETING November 1, 1982

#### Requests and Suggestions

- 1. Take up Balanced Budget-Tax Limitation Amendment again. Trent Lott has filed a discharge petition in the last Congress and could do so again. Administration should work more closely with outside coalition on this.
- 2. Resolve Social Security as soon as possible. Don't accelerate Social Security tax increases.
- 3. Don't have Congress take up Social Security and the Balanced Budget-Tax Limitation at the same time.
- 4. Take positions based on reality. Make OMB bite bullets to come up with balanced budget with no tax increases. Propose draconian spending cuts, and go down fighting for them if necessary. Then the deficit would be clearly understood as the fault of the liberals.
- 5. Hold Administration discussions with leading conservative Senators. Ask them not to undermine the Administration\*s position by claiming that no more cuts are possible.
- 6. Stop talking about balancing the budget as opposed to reducing spending. Focus the whole deficit debate on expenditure issues. Discussion of balanced budget today results in more emphasis on tax increases than on expenditure reductions. Tax increases will drive the economy down.
- 7. Bring in leading businessmen. Ask them to concentrate their lobbying on cuts in spending across the board. They are usually too concerned about tax policy to understand that those powerful spending lobbies generate often irresistable pressure for higher taxation. If the businessmen would lobby hard against spending proposals, they would have less oppressive taxes.
- 8. Involve Bob Brown of the Tax Foundation to a greater extent in Administration discussions. It is a very knowledgable group on spending cuts.

- 9. Push state legislatures for additional calls for a Constitutional Convention to provide for a balanced budget-tax limitation amendment. A little more success in state legislatures would force the Congress to submit an amendment to the states.
- 10. Stop playing Orwelian word games. Accelerated taxes are clearly tax increases. Revenue enhancements are clearly tax increases. User fees are clearly tax increases. The Administration is fooling no one and making a laughing stock of itself.
- 11. All agree there should be no tax increases. If we have to raise revenues, the Administration should go toward a flat tax, but should describe it as "the least bad way to raise revenue." Don't try to disguise it as more loophole closing or "due to other considerations." Trying to sell a flat rate tax as a simplification and not as a revenue raiser would destroy the credibility of the Administration.

  Describing it as the least bad way to raise revenue would permit the issue to be honestly joined without hiding behind subterfuge.
- 12. Push Congress to adopt rules to govern a constitutional convention called by the states. Just urging the Congress to devise those rules would move us closer to eventual passage of a Balanced Budget-Tax Limitation Amendment. Passage of these rules is clearly doable in the Senate early in the session.
- 13. The Administration must develop better techniques with respect to proposing spending reductions. Propose a substitute rather than have the beneficiaries feel as though they have been cut off at the knees. With social security, rather than increase taxes or cut payments to current beneficiaries, it is far more politically palatable to alter materially benefits for future beneficiaries. We should point out that the private sector ought to be able to provide better benefits. This may require tax incentives. Any private sector substitute for any element of social security would have to be more than voluntary. Peter Ferrara of the Office of Policy Development has the most promising long-term solution.

- 14. The FCC fairness doctrine inhibited national tax limitation ads. Tax limitation message is somewhat more difficult to get out because broadcasters are afraid they will be held responsible under the fairness doctrine. Better to do away with the fairness doctrine.
- 15. Funding by Health and Human Services of state health care planning bodies prevents private group entry into the health care area. These state central planning groups are anti-competition and anti-free enterprise.
- 16. Some thought the President should get behind a Constitutional Amendment to give him a line item veto. This would be highly consequential. The appropriation process is currently a balled up mess in which spending interests have most of the cards. The line item veto is badly needed.
- 17. The President should insist on a serious rethinking of the 1974 Budget Reform Act, which has turned out to be the ultimate fiscal hocum. Congress is not equipped to make fiscal policy. Currently the President gives his idea of a budget. Then it is ignored by the Congress. Congress begins de novo. This clearly unworkable process came from an effort to keep Richard Nixon from impounding funds. It must be revised.
- 18. Taxpayers need increased protection from IRS. IRS must be made to specify which regulations are appropriate to implement last fall's tax bill.

  Unfortunately, it now paralyzes much economic activity. With respect to financial accounts of the poor and the elderly, many exemption certificates will not be filed because the situation is unclear. That is good news only for the IRS.
- 19. Administration is not doing enough to push enterprise zones. The original concept has already been badly diluted. Enterprise zones would set examples of prosperity as the tax burden is reduced. This would give the Administration a badly needed urban policy.

Initial success would be followed by establishment of more enterprise zones or by extending some benefits nationally.

20. There was unanimous opposition to <u>any</u> additional tax increases! Spending must be brought down to match existing revenues.

The state of the s

## Broadcasting#Jan31

## Group Goes After CBS Licenses

Firm petitions FCC to deny renewal of O&O's as punishment for Westmoreland documentary

The American Legal Foundation, a "nonprofit, public interest legal organization," has asked the FCC to revoke all of CBS's licenses for its owned-and-operated stations for allegedly violating commission policy by "deliberately distorting, slanting and falsifying its news program entitled The Uncounted Enemy: A Vietnam Deception...and failing to take the required remedial action to correct this distortion."

In its complaint, ALF said there was "extrinsic evidence that CBS intentionally edited the program to create false impressions, coached key interviewees on their testimony, knowingly presented false information, excluded all evidence inconsistent with their preconceived beliefs and paid an interviewee without disclosing the payment. All of these actions were intended to, and had the effect of, deceiving and misleading the 20 million viewers of the program."

ALF "requests that the commission conduct a full-scale investigation into the production of the documentary, preferably in the form of an evidentiary hearing, and including the examination of the 68-page report prepared by CBS Vice President Burton Benjamin detailing the results of his internal investigation of this matter. ALF further requests that the commission revoke the licenses of all of CBS's owned-and-operated stations," the complaint said.

According to Michael Carvin, the organization's executive director, the ALF is a "pro-free enterprise" organization specializing in media issues. It is backed by donations from corporations, foundations and individuals. The group, based in Washington, also has petitioned to deny renewal of Pacifica Foundation Inc.'s license for noncommercial WPFW(FM) Washington; has filed comments in the FCC's lottery proceeding claiming that the proposed minority preference is unconstitutional: and has intervened on behalf of the FCC's deregulation of radio, which is pending before the Court of Appeals in Washington.

## Los Angeles Times

Monday, January 31, 1983

## CBS - Westmoreland Dispute Heats Up

he dispute between Gen. William C. Westmoreland and CBS News, simmering for a year now, has taken another turn from the original issue of whether Westmoreland, as CBS alleged in a documentary, led a conspiracy to deceive the country when he commanded American forces in the Vietnam War.

Now, CBS has taken the offensive in the legal and public relations battles that resulted from that documentary by suggesting that CBS News is being hounded by a confederacy of conservatives bent on undermining the news media. These anti-press forces, CBS contends, are using Westmoreland as a lackey in their scheme.

The American Legal Foundation, meanwhile, has filed a complaint with the Federal Communications Commission seeking the revocation of CBS's license to operate its five owned-and-operated television stations, claiming that the Westmoreland documentary was so distorted it made CBS an unfit broadcaster.

The director of the American Legal Foundation, which filed the FCC complaint against CBS, said there is "a group of philosophically conservative people" behind Westmoreland, but they "are not out to get anyone."

"We believe the liberal-biased news media is guilty of distortion," said Mike Carvin. "It's ironic that when their (CBS's) practices are called into question, it's called a 'conservative plot.' But when (CBS correspondent) Mike Wallace investigates shoddy business practices, it's a crusade for truth and justice." The American Legal Foundation is the only profree enterprise, public interest law center in the nation that is devoted exclusively to combatting media bias.

ALF is fighting full-time in the courts and federal agencies to reduce special interest control of the public airwaves.

The American Legal Foundation is a nonprofit, public interest legal research center dedicated to the principles of a free market economy and limited government regulation. The American Legal Foundation is classified as a Section 501(c) (3) organization under the Internal Revenue Code of 1954. All contributions made to ALF are completely tax deductible.

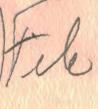
#### **American Legal Foundation**

...is a tax-exempt nonprofit and nonpartisan public interest law center. Contributions are fully tax deductible—under IRS 501(c)(3) provisions—and are welcomed from foundations, individuals, labor unions, corporations and business and professional associations.

Michael Carvin, Executive Director American Legal Foundation 1612 K Street, N.W., Suite 605 Washington, D.C. 20006

(202) 857-0400

American Legal Foundation











1612 K Street, N.W. Suite 605 Washington, D.C. 20006

#### Philosophy and Purpose

The American Legal Foundation (ALF) is a nonprofit, public interest organization created in 1980 to bring a balance to the question of how the "public interest" is best served in the communications field. ALF represents a voice for those dedicated to the principles of a free market economy and limited government regulation, a voice that until now has not been heard in the Federal Communications

Commission (FCC), the Courts, Congress, or over the public airwaves.

ALF is the *only* pro-free enterprise, public interest law center in the nation that devotes all of its activities and resources solely towards fighting media bias.

For too long, a small collection of well-funded liberal special interest legal groups have actively monopolized the definition of what constitutes the "public interest." Legal groups such as Ralph Nader's National Citizens Committee for Broadcasting, the National Black Media Coalition, the Office of Communications of the United Church of Christ and the Media Access Project have successfully propounded their "no growth," pro-regulation philosophy in front of the FCC, Congress and the Courts. These same groups have successfully used pressure tactics to force broadcasters to alter their programming and hiring practices to conform with the desires of this vociferous minority.

The end result of this concerted onslaught by these special interest groups is that the news and public affairs programming of the broadcast media has constantly presented the anti-corporate, anti-free enterprise message advocated by these vocal fringe groups. The needs and interests of traditional business and community organizations have been consistently ignored in favor of these well-organized special interests.

ALF was created in order to remedy this deplorable situation. ALF is striving to offset the disproportionate influence wielded by the liberal legal media organizations and to create a broadbased, less intrusive regulatory philosophy

which enables broadcasters to be truly responsive to the needs of the *entire* community they are licensed to serve. To accomplish this goal, ALF is committed to:

- Fight radical public interest law media groups in the courts;
- Act as a watchdog against the media's traditionally biased coverage of issues affecting the business community and other important public issues;
- Facilitate the involvement of business, civic, and community organizations at the local level and act as their representative in Washington;
- Eliminate the multitude of burdensome FCC regulations which serve no purpose other than providing a vehicle to harass broadcasters;
- Promote the presentation of responsible radio and television programs which portray themes and issues that are currently neglected by the media.

#### **ALF's Accomplishments:**

ALF has quickly taken a number of steps towards achieving its goals:

- ALF has facilitated broad-based public involvement by distributing an educational manual informing citizens how to participate effectively in broadcasting regulation and instituting a nationwide monitoring system to detect broadcasters' abuse of their programming responsibilities;
- ALF has petitioned the FCC to deny the license renewal of a Washington, D.C. radio station owned by the Pacifica Foundation. ALF has argued that the disregard for fairness and decency, and the one-sided, pro-Marxist programming Pacifica has broadcast over the public airwaves is not in the public interest and makes it unfit to operate a radio station;
- ALF was the only public interest law citizens' group to intervene in support of the

FCC deregulation of radio before the U.S. Court of Appeals;

- ALF has successfully fought for the elimination or reduction of burdensome FCC regulations, including those requiring a lengthy renewal application and the nebulous "good character" criteria;
- ALF has petitioned the FCC to require broadcasters to publicly announce the formation of a "Citizens Agreement" with a special interest group. The secret "A Citizens Agreement" has been a favorite device of certain radical groups to control the programming and hiring practices of radio and television stations;
- ALF is intervening on behalf of the broadcasters and the public to fight petitions to deny broadcast licenses filed by the liberal special interest legal groups;
- ALF is commissioning the production of a television program which will explore an issue which has not yet been addressed by the media.
- ALF has intervened in the U.S. Court of Appeals for the District of Columbia against the Democratic National Committee's attempt to overturn an FCC decision denying their demand for free air time to respond to President Reagan's speeches to the nation. ALF was the only organization to oppose the DNC's attempt to have the FCC deter media coverage of President Reagan.
- •ALF was the only public interest group to file a complaint with the FCC against the CBS documentary entitled "The Uncounted Enemy: A Vietnam Deception" which falsely accused Generals William Westmoreland and Daniel Graham of conspiring to falsify intelligence reports during the Vietnamese war. ALF's complaint demonstrates that CBS violated FCC policy and demands that the FCC investigate CBS's conduct and hold hearings to determine if CBS has the requisite "character qualifications" to remain a broadcaster.