

# LAW AND CONTEMPORARY PROBLEMS

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## FOREWORD

The previous issue of this symposium centered its attention on government regulation of radio and television. The present issue, however, ranges more widely in its investigation of the problems which face this industry. These stem in part from the large number of organizations which participate in broadcasting and telecasting, the widespread multistate areas that receive the industry's finished product, the quick tempo to be maintained in programming and production, and the immense commercial values associated with the services, ideas, and talents that go into producing a program.

Among the important roles played in connection with programming is that of the advertising agency—although the significance of that role in relation to the network's will vary with the demand for and supply of air time. Mr. Miller provides an insight from the standpoint of the advertising agency lawyer into the complex preliminaries required for release of a program.

Since that program may reach any number of states and (despite the care and efforts of executives like Mr. Miller) may give rise to claims of unfair competition, libel, slander, and the like, Mr. Warner's paper on multistate publication is particularly appropriate. With incisiveness, he considers the difficult conflict of laws and constitutional issues involved in balancing the need for a single standard of responsibility and avoidance of forum shopping, on the one hand, against due recognition of the interests of the various states receiving a broadcast, on the other. Moreover, since many programs have led to angry outcry that an idea has been pirated and to ensuing litigation based on varying concepts of liability, it is interesting to read Mr. Olsson's defense of the idea submittee—be it network, advertising agency, or sponsor—who frequently will dispute strenuously the originality or value of a submitted idea.

Perhaps no industry can successfully be studied without some inquiry into its labor relations. In light of the large number of guilds and unions which represent the participants in creation and production of a radio or television show, such an inquiry is especially important for the present symposium. Mr. Tower's article offers a lucid and complete picture of employer-employee relations in the broadcasting and telecasting field and treats such matters as unionization, wage structure, and applicable legislation.

Among the goals that some of the guilds in this industry have set is the full protection of "residual rights" in their work. Mr. Gilbert has spotlighted the advance made towards that goal via the collective bargaining agreement. The paper by Mr. Silverberg next covers *in extenso* the continuing battle by authors and performers to enhance protection of their work product—whether by collective bargaining, statute, judicial precedent, or international convention. His comparison of the American scene with that in several leading European countries reveals that in practice, if not always in theory, writers and performers in the United States have fared well in sharing the profits that have stemmed from their endeavors.

With an eye to providing additional perspective into the broadcasting and telecasting industry in this country, the symposium terminates with a discussion by Professor Lloyd of the British Television Act of 1954. This legislation authorizes an interesting combination of private and public enterprise, although the role of the British Government in the operations of the Independent Television Authority seems greater than many Americans have probably realized.

Admittedly, there are depths yet to be plumbed in the study of radio and television. For instance, what patterns of financing, insurance, and business organization have developed to sustain the operation of television's independent program producers? To what extent have Hollywood's moviemakers entered the television arena, and what economic and legal problems may stem from any such entry? How extensively have television and radio been affected by the operation of private and public censorship like that which has plagued motion pictures? Can a reconciliation be made between the public's right to know, as implemented through media such as radio and television, and such personal rights as those to privacy or to a fair trial, which may be invaded when a television camera peers into the home, legislative committee, or courtroom? Such questions demonstrate that the mobile, dynamic world of radio and television provides almost illimitable terrain for future symposia-creators to invade.

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