WILEY-FINAL 4/9/2003 6:16 PM

"Do You Believe in Miracles?"

Richard E. Wiley*

The scene was the 1980 Winter Olympic Hockey Arena at Lake Placid, New York. Late in the third period, American team Captain Mike Eruzione hit a wrist shot past the goalie for the heavily favored Soviet hockey squad. This put the lightly regarded Americans in the lead—and sent the packed house into ecstasy, chanting, "USA! USA!"

ABC sportscaster Al Michaels later recalled that when Eruzione scored, "The place was just going crazy." He remembered that in the closing minutes, he could actually *feel* the sound. As the clock ticked down, Michaels shouted, "Do you believe in miracles?" At the buzzer, he emphatically answered his own question, "YES!" In that moment, the game's improbable finish and Michaels' words were permanently fixed in the memories and imaginations of all who watched. The final score was: U.S. 4, Soviets 3, in one of the greatest upsets in the history of the Olympics. The overall effect on the exuberant American TV audience was absolutely miraculous.¹

I know that my good friend Newton Minow (and others) tend to regard TV as something of a "wasteland"—but I would like to devote my remarks in this brief essay to some of the things that are *right* about television.

The telecast of the Lake Placid "Miracle on Ice" is one of many examples of things that have been handled *very well* by television broadcasters. In particular, it illustrates the kind of "magic" that is possible when a compelling story is combined with a gifted broadcast presentation.

^{*} Richard Wiley is a partner in the Washington, D.C. law firm of Wiley, Rein & Fielding. He previously served as General Counsel, Commissioner, and Chairman of the Federal Communications Commission.

 $^{1. \ \} Joe \ Garner, Stay \ Tuned: Television's \ Unforgettable \ Moments \ 163 \ (2002).$

In the field of sportscasting alone, there are innumerable sparkling moments that will be cherished as long as the games are played. These include: Don Larson's "perfect game"; the Baltimore Colts' "sudden death" victory in "the greatest game ever played"; Olympic gold-medal skating performances, from Tenley Albright to Sarah Hughes; "Grand Slam" tennis matches featuring John McEnroe versus Bjorn Borg and Chris Evert versus Martina Navratilova; Michael Jordan's "buzzer-beating" heroics (in games too numerous to mention); Tiger Woods' record-shattering performance in the 1997 Masters . . . and on and on.

When we move outside the field of sports to TV coverage of the great events affecting our nation and the world, we find (not surprisingly) that the effect on our minds and imaginations is even more profound. Walter Cronkite once said that his most vivid memories as a news anchor involved coverage of the John F. Kennedy assassination and the first moon landing.²

After the Apollo 11 rocket lifted off, Cronkite remarked, "It was as if you could have stood on the dock and waved good-bye to Columbus." But later, when Neil Armstrong first set foot on the surface of the moon, Cronkite was so awed that all he could bring himself to say was, "Oh, boy." He then asked for help from his equally awestruck colleague (former astronaut Wally Schirra) saying, "Wally, say something, I'm speechless." All Schirra could come up with was, "I'm just trying to hold on to my breath. This is really something."

But if the moon landing generated feelings of awe, the Kennedy assassination brought a profound sense of loss and grief. Theodore White later recalled dramatic scenes of the Kennedy funeral that, in his words, "will be seen and heard for generations, as long as film lasts and Americans are interested in the story of America."

Much more recently, on September 11, 2001, television once again demonstrated its ability to bring powerful, emotion-filled scenes into our living rooms. At 8:46 A.M. eastern time, it was reported that a plane had crashed into the North Tower of the World Trade Center. Early speculation suggested that the incident may have been an accident caused by a small private plane. Then the nation witnessed one of the most incredible sights ever broadcast on live television. While all eyes were glued to the burning North Tower, United Flight 175 came into view and smashed into the South Tower—causing a huge fireball. In the ensuing coverage, Americans

^{2.} TV We'll Always Remember, TV GUIDE, Apr. 6, 2002, at 12, 14.

^{3.} GARNER, supra note 1, at 78.

^{4.} Id. at 81.

^{5.} Theodore H. White, The Making of the President—1964, 15 (1965).

WILEY-FINAL 4/9/2003 6:16 PM

Number 3] "DO YOU BELIEVE IN MIRACLES?"

witnessed (live) the collapse of both World Trade Center Towers, the resulting panic, and the heroism and heartbreak of rescue efforts.

For the first time since Pearl Harbor, the American homeland had been subjected to a devastating attack by a foreign adversary. And television was there virtually every step of the way—as our nation was forever transformed. But TV didn't just cover the story; it was an integral part of the overall national experience, for days, weeks, and months to come.

While this horrific event was, perhaps, the most emotion-laden scene since the Kennedy assassination, TV has played a key (and often inspired) role in the coverage of numerous other major events, including the Martin Luther King Jr. and Robert Kennedy assassinations; the miraculous rescue of the Apollo 13 crew; the Nixon resignation; the fall of Saigon; the Iran hostage crisis; the fall of the Berlin Wall... and many, many other momentous events.

At times, this coverage has had a profound effect on public opinion. For example, in 1963, nationally televised news coverage of the use of police dogs and fire hoses in Birmingham, Alabama, changed forever the views of many Americans—black and white—toward the civil rights movement. Thus, it is said (once again, in the words of Teddy White) that:

When television showed dogs snapping at human beings, when the fire hoses thrashed and flailed at the women and children, whipping up skirts and pounding at bodies with high-pressure streams powerful enough to peel bark off a tree—the entire nation winced as the demonstrators winced.⁶

More recently, intensive TV coverage of the September 11 disaster has undoubtedly helped marshall popular support for President Bush's international "War on Terrorism."

In my opinion, TV has the potential to be at its very best when it is engaged in "live" coverage of news and sporting events. But there has been real "magic," even in the field of situation comedies, that tends to be lightly regarded by critics. Indeed, television has brought a truly amazing array of comedic talent into our living rooms. One might ask how a medium can be fairly characterized as a "wasteland" when from its very earliest days it brought us such incomparable stars as Lucille Ball, Milton Berle, and *The Honeymooners*' sparkling trio of Jackie Gleason, Art Carney, and Audrey Meadows. Moreover, in the following years, there has been no letup in flow of inspired programs and performers: Mary Tyler Moore and Dick Van Dyke, *All in the Family*, *M*A*S*H*, *Cheers*, *Saturday Night Live*, and more recently, *Seinfeld*.

613

WILEY-FINAL 4/9/2003 6:16 PM

614 FEDERAL COMMUNICATIONS LAW JOURNAL [V

Television also has brought us many highly acclaimed dramas, of which the following are only a few that could be cited: *The Fugitive*, *Hill Street Blues*, *NYPD Blue*, *Law & Order*, *ER*, and *The Practice*.

Additionally, all of these programming marvels have been free to the consumer. While society's elite may not appreciate this fact, everyday folks (including this observer) certainly do. For TV is certainly the best value in the history of popular entertainment. To paraphrase Winston Churchill: Never before has so much been delivered to so many for so little.

Given the huge volume of programs that are produced for television broadcasting, it is inescapable that a fair amount will be ordinary—and that even some of it will be regrettable. But if we are willing to look for the good, we will find that broadcasting through the years has often provided excellent programming.

Indeed, at times, it has been much better than merely "good" or "excellent"—it has been absolutely *miraculous*!

[Vol. 55