

NEWS

Federal Communications Commission
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Report No. 12610

BROADCAST ACTION

September 20, 1974 - B

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REVIEW OF BROADCAST BUREAU RULING ON COMPLAINT AGAINST WLS-TV, CHICAGO, DENIED BY COMMISSION

An application by Thomas W. Flynn, the Democratic candidate for State Representative from the 4th Illinois Legislative District, for review of a July 19, 1974, Broadcast Bureau ruling, has been denied by the Commission. The Bureau denied Flynn's contention that he was entitled to equal opportunities to respond to an opponent's broadcast on station WLS-TV, Chicago.

Flynn said the station violated the Communications Act by broadcasting an interview with his opponent and refusing his request for equal time.

WLS-TV stated the appearance was part of the station's coverage and report on a breaking news story of that day and that equal time did not apply to it.

(If a licensee permits a legally qualified candidate for public office to use a broadcast station, he must afford "equal opportunities" to all other such candidates for that office unless the broadcast was a bona fide newscast, bona fide news interview, bona fide documentary or on-the-spot coverage of a news event.)

The ruling said the appearance was part of a bona fide newscast and therefore was not subject to the equal opportunities requirement.

The Commission has reviewed the Bureau's ruling and agrees that it was correct.

Pointing out that the particular news to be reported on a news program and the format of such broadcasts are matters within the discretion of the licensee, the Commission said it has repeatedly stated that it would not review a licensee's news judgment. It added that it would not inquire into allegations of distortion or falsification of news without extrinsic evidence of deliberate distortion or falsification.

Action by the Commission September 19, 1974, by Order. Commissioners Reid, Hooks, Quello, Washburn and Robinson with Chairman Wiley not participating.