

In this context, a “crime” is an act or omission that makes the offender subject to criminal punishment by law, and a “catastrophe” is a disaster or an imminent disaster involving violent or sudden events affecting the public. The broadcast must cause direct and actual damage to property or to the health or safety of the general public, or diversion of law enforcement or other public health and safety authorities from their duties, and the public harm must begin immediately. If a station airs a disclaimer before the broadcast that clearly characterizes the program as fiction and the disclaimer is presented in a reasonable manner under the circumstances, the program is presumed not to pose foreseeable public harm. Additional information about the hoax rule can be found on the FCC’s website at <http://www.fcc.gov/cgb/consumerfacts/falsebroadcast.html>.

News Distortion. The Commission often receives complaints concerning broadcast journalism, such as allegations that stations have aired inaccurate or one-sided news reports or comments, covered stories inadequately, or overly dramatized the events that they cover. For the reasons noted above, the Commission generally will not intervene in such cases because it would be inconsistent with the First Amendment to replace the journalistic judgment of licensees with our own. However, as public trustees, broadcast licensees may not intentionally distort the news: the FCC has stated that “rigging or slanting the news is a most heinous act against the public interest.” The Commission will investigate a station for news distortion if it receives documented evidence of such rigging or slanting, such as testimony or other documentation, from individuals with direct personal knowledge that a licensee or its management engaged in the intentional falsification of the news. Of particular concern would be evidence of the direction to employees from station management to falsify the news. However, absent such a compelling showing, the Commission will not intervene. For additional information about news distortion, see <http://www.fcc.gov/cgb/consumerfacts/journalism.html>.

Political Broadcasting: Candidates for Public Office. In recognition of the particular importance of the free flow of information to the public during the electoral process, the Communications Act and the Commission’s rules impose specific obligations on broadcasters regarding political speech.

- **Reasonable Access.** The Communications Act requires that broadcast stations provide “reasonable access” to candidates for federal elective office. Such access must be made available during all of a station’s normal broadcast schedule, including television prime time and radio drive time. In addition, federal candidates are entitled to purchase all classes of time offered by stations to commercial advertisers, such as preemptible and non-preemptible time. The only exception to the access requirement is for *bona fide* news programming (as defined below), during which broadcasters may choose not to sell airtime to federal candidates. Broadcast stations have discretion as to whether to sell time to candidates in state and local elections.
- **Equal Opportunities.** The Communications Act requires that, when a station provides airtime to a legally qualified candidate for any public office (federal, state, or local), the station must “afford equal opportunities to all other such candidates for that office.” The equal opportunities provision of the Communications Act also provides that the station “shall have no power of censorship over the material broadcast” by the candidate. The law exempts from the equal opportunities requirement appearances by candidates during *bona fide* news programming, defined as an appearance by a legally qualified candidate on a *bona fide* newscast, interview, or documentary (if the appearance of the candidate is incidental to the presentation of the subject covered by the documentary) or on-the-spot coverage of a *bona fide* news event (including debates, political conventions and related incidental activities).