

## FCC's Equal Time—Boon or Bust?

Despite its assurances to the contrary, the Federal Communications Commission (FCC) currently does almost nothing to guarantee the public's right to fair and balanced coverage of important issues in the T.V. and radio media. Largely as a result, the population of the United States is on the whole grossly ignorant of the significant issues it faces.

The U.S. Congress has given the FCC the authority to regulate the electronic media because the limited span of television and radio frequencies make the electronic media inherently noncompetitive. No individual is free to start broadcasting in the way he is to start his own newspaper or magazine.

The two weapons Congress has designated for ensuring balanced coverage by television and radio are the "fairness doctrine" and "equal time." The fairness doctrine is effectively a joke. In the past three years only five fairness doctrine cases have even been heard by the full commission. The fairness doctrine stipulates that a station must have "reasonable balance" in its coverage of controversial "issues of public importance." However, it is left to the broadcaster to decide what constitutes a controversial issue and who is a responsible representative of an opposite viewpoint. The burden of proof rests overwhelmingly with the petitioner to prove biased or unbalanced coverage.

The equal time provisions are similarly loaded by the catch that "bonafide news shows" or coverage of a "bonafide news event" is exempt from the equal time statutes. As a result, not only the evening news, but everything this side of the Johnny Carson show — "Today," "60 Minutes," "Meet the Press," and all sorts of public affairs spectacles — is exempt from equal time requirements. In fact, any station with a competent legal staff can cover an entire major campaign and avoid any requirement that they give equal time to other candidates.

### *The Labor Party Case*

The experience of the U.S. Labor Party's 1976 Presidential campaign and various of its 1977 local races make this abundantly clear.

Until 1975, any network that covered a debate of presidential candidates was required to give equal time to all other candidates in the race. In 1975 the FCC ruled that the electronic media was free to cover a debate if it was a "bonafide news event," that is, if it was sponsored by someone other than the network itself. In 1976, like magic, the League of Women Voters decided to sponsor campaign debates — "independent" of the networks, of course. The result was the pathetic Carter-Ford display, while the Labor Party's LaRouche was frozen out.

Leading up to the election, ABC television produced a series of several shows called "Battle for the White

House." The total coverage of LaRouche from the entire series was the line, "The candidate of the U.S. Labor Party is Lyndon LaRouche. FBI director Clarence Kelley says LaRouche's party is oriented to violence and brainwashing." Not only did ABC claim and get an exemption from equal time, they seem to have been exempted from any requirement that they tell the truth.

A sampling of several 1977 local campaigns in the New York metropolitan area demonstrates that the equal time problem can be just as easily skirted by an enterprising local station as by the national networks.

The WCBS-TV show, "Newsmakers," had a different New York City mayoral candidate on for half hour interviews on each of the four Sunday afternoons before the recent election. This show is, of course, exempted from equal time requirements because the FCC says that it is a "bonafide news interview show." Why was the Labor Party's mayoral candidate Elijah Boyd kept off the air? "We didn't have enough Sundays," explained one of the show producers. Earlier in the campaign the same show had told Labor Party officials to "wait until after the primary," when, of course, the Sunday shortage developed. Did WCBS-TV violate the fairness doctrine by failing to air the only spokesman for economic development in the race? Not accordingly to the FCC which has ruled that so-called minor parties need not be considered under provisions of the fairness doctrine.

The "Midday Live" show on WNEW-TV in New York is one of those rare shows without an equal time exemption. When this noontime house-wives' talk show had a New York mayoral candidate on the air it was required to give his opponents equal time. But there was a catch. According to the FCC "Midday Live" was not required to notify the other candidates of their rights to air time. It is up to the candidates to watch the show, and request equal time! Since Elijah Boyd is not a housewife, he happened to miss the show. When Mr. Boyd's campaign staff did hear about the show, the seven day limit for requesting equal time had elapsed. Boyd did not appear on "Midday Live."

WINS, a Westinghouse-owned all-news radio station in New York, limited its coverage of the suburban Westchester County (N.Y.) Executive race to a one-hour broadcast of one of the 40-plus debates that took place during the three-way campaign between the Labor Party's Michael Billington, the Republican Gordon Burrows and the Democrat Alfred DelBello. However, WINS managed to pick for coverage the only major debate that excluded the Labor Party candidate. WINS news director Ed Rickerts assured the Labor Party that WINS had had nothing to do with setting up the debate ("we just covered it"), and all involved insisted that it was just a coincidence that the moderator of the debate was WINS' chief political reporter. Because WINS was

