

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In re

Request for Declaratory Ruling

By

Paramount Communications, Inc.

**STAFF RULING**

Adopted: July 12, 1990;

Released: July 19, 1990

By the Chief, Fairness/Political Programming Branch:

1. The Commission has before it a request for declaratory ruling, filed by Paramount Communications ("Paramount")<sup>1</sup>, that its program, "Hard Copy," be treated as exempt from Section 315 of the Communications Act as a "bona fide newscast." Alternatively, Paramount asks that, if deemed more appropriate, "Hard Copy" be treated as a "bona fide news program" comprised of several exempt categories -- bona fide newscasts, bona fide news interviews, bona fide documentaries, and on-the-spot coverage of bona fide news events. Based on the information before us, it appears that "Hard Copy" satisfies Congress' intent in enacting the bona fide newscast exemption. Therefore, we need not consider Paramount's alternative request.

2. Paramount states that "Hard Copy" is produced as a syndicated, half-hour news program, which has been regularly scheduled, Monday-Friday, since September 18, 1989. "Hard Copy covers news events and topical issues in a standard newscast format, with anchors, reporters, and heavy reliance on video tape." Paramount explains that, as deemed necessary, "[i]ndividual stories are cast in news report, interview, documentary, on-the-spot news format, or any combination of these" techniques. Paramount states that stories are selected solely on the basis of newsworthiness and public significance, and not to advance any candidacy.

**DISCUSSION**

3. In 1959, Congress amended the Communications Act to exempt, from the equal opportunities provision of Section 315, appearances by legally qualified candidates during the following four categories of bona fide news programming:

- (1) bona fide newscast,
- (2) bona fide news interview,
- (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
- (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).

47 U.S.C. Section 315(a). Congress removed the inhibiting effect of the equal opportunities obligation upon bona fide news programming to encourage increased news coverage of political campaign activity. Rather than define precisely what it meant by "news," Congress chose to leave the task of interpreting the scope of each exemption to the Commission. See 105 Cong. Rec. 16227 (1959)(Rep. Celler); 105 Cong. Rec. 14455 (1959)(Sen. Pastore). Although Congress did provide some indication of what it envisioned structurally for some of the exemptions (e.g. bona fide news interviews must be regularly scheduled), it did not specify any requisite characteristics for the bona fide newscast exemption. Congress did articulate that the common characteristic of all of the news exemptions is "bona fide news value." Conf. Rep. No. 1069, 86th Cong., 1st Sess. at 4 (1959); 105 Cong. Rec. 14442 (Sen. Pastore). Indeed, Congress qualified each exemption with the term "bona fide," which the legislative history demonstrates was intended to emphasize that bona fide news programming be genuinely newsworthy and not designed by the broadcaster for the purpose of advancing or harming any particular candidacies. See 105 Cong. Rec. 17782 (1959).

4. The Commission has ruled on several occasions that specific programs could be treated as bona fide newscasts. *Oliver Productions*, 4 FCC Rcd 5953 (1989)(segments of "The John McLaughlin Group"), *appeal pending sub nom. Telecommunications Research & Action Center v. FCC*, No. 89-1616 (D.C. Cir., filed Oct 2, 1989); *Paramount Pictures Corp.*, 64 RR 2d 600 (M.M. Bur. 1988)("Entertainment Tonight" and "Entertainment This Week"); *Rev. Donald L. Lanier*, 37 FCC 2d 952 (B/c Bur. 1972)("The Church Today"). In ruling that "Entertainment Tonight" and "Entertainment This Week" were bona fide newscasts, the Commission, through its Mass Media Bureau, stated that, in terms of format, the principal consideration should be "whether the program reports news of some area of current events . . . in a manner similar to more traditional newscasts." 64 RR 2d at 601. The Commission has thus specifically declined to evaluate the relative quality or significance of the topics and stories selected for newscast coverage, appropriately relying instead on good faith news judgment. Just as in the specific programs previously considered exempt under the newscast exemption, "Hard Copy" appears to follow a traditional newscast format. The utilization of interviews, on-the-spot coverage, and documentary footage in the context of some stories presented by "Hard Copy," is not a basis for denying a newscast exemption since these various approaches to news reporting are typical of the more traditional newscast formats. Furthermore, we have no basis for believing that the stories covered by "Hard Copy" are selected for any reason other than their genuine newsworthiness.

5. Accordingly, on the basis of the information before the Commission, it appears that "Hard Copy," in the format described by Paramount in its request, should be accorded the bona fide newscast exemption. We believe this conclusion is fully consistent with the statutory objective of the Section 315 exemptions -- to enhance news coverage of the political arena.

6. Staff action is taken here pursuant to delegated authority.

## FEDERAL COMMUNICATIONS COMMISSION

Milton O. Gross, Chief  
Fairness/Political Programming Branch  
Enforcement Division  
Mass Media Bureau

**FOOTNOTE**

<sup>1</sup> According to the request, Paramount, through its subsidiary Newtel, Inc., owns and operates six television stations: WDCA-TV, Washington, D.C.; WLFL-TV, Raleigh, NC; WTXF-TV, Philadelphia, PA; KTXH-TV, Houston, TX; KTXA-TV, Arlington, TX; and KRRT, Kerrville, TX. Paramount also owns Paramount Pictures Corporation, which, through its domestic television division, produces and distributes first-run syndicated programs.