

**JOINT STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN AND COMMISSIONER MICHAEL J.
COPPS**

In the Matter of Sonshine Family Television, Inc, and Sinclair Broadcast Group, Inc., Notice of Apparent Liability for Forfeiture

Growing abuses of the public trust in recent years are shaking Americans' confidence in the press. When pundits are paid to promote a corporate or government agenda while the public is never told, all commenters and journalists become suspect. The repeated revelations of advertisers paying their way onto news programming without disclosure undercut the credibility of all journalists. When budget cuts in newsrooms lead broadcasters to substitute advertisements disguised by slick public relations firms as news instead of paying for their own work, viewers and listener wonder what they can believe. When newsrooms are too strapped or sloppy to perform their due diligence and provide disclosure announcements, as required by law, it leads to a crisis of confidence.

So we now face a crisis in American journalism. That is why today's action by the Commission is so important. It sends a clear message that the public has a right to know who is trying to persuade them so they can make up their own minds about what is presented to them.

While some will try to turn this into a First Amendment issue, sponsorship identification in no way requires anyone to limit anything they communicate. On the contrary, it requires more speech, not less. The only reason it can be construed as limiting expression is because broadcasters and cable operators are too embarrassed to reveal who paid to produce or espouse material they are pretending is their own product. In fact, established ethical guidelines, which are routinely ignored, call for just such disclosure. The reticence to disclose, or to otherwise refrain from using material paid for by a sponsor, is not a restraint upon free expression.

Today, with the release of this *Notice of Apparent Liability for Forfeiture*, the Commission again puts broadcasters and cable operators on notice that the public deserves a clear statement on whether or not the programming they are watching is sponsored by a government or corporate interest.

This *Forfeiture Notice* reinforces the rule that the Commission's disclosure obligations do not only apply to broadcasters. Rather, the Commission is serious about applying the rules to everyone up and down the chain of production and distribution.¹ Today, the Commission places broadcasters, producers and distributors on notice. Each and every individual has a duty to report the real source of any programming on television or radio. Employers and employees must ensure the audience knows where the programming they are watching originated or who paid for it. The argument that the overall presentation of the material obviates the need to provide sponsorship identification announcements is unavailing. Under our clear rules, any consideration must be revealed to the audience.

Failure to disclose Armstrong Williams was paid by the Department of Education to

¹ See Letters from Enforcement Bureau, FCC, to Graham Williams Group and Ketchum, Inc., File No. EB-05-IH-0031 (July 23, 2007).

promote an agenda on the air by itself violates Federal law.² On top of that, without making a positive or negative judgment of the content aired, we find that in the instant case a licensee could not, in good faith, consider the material to be “anything but political.”³ The Commission has already concluded that electoral issues are presumptively controversial and of public importance. In fact, we both struggle to find an issue more important to many parents than their child’s education. We feel it is not too much of a stretch for programmers to understand what is a political issue and what is not. Broadcasters should strive to present independent and honest broadcasting, and should ethically desire to be forthcoming and open about where its programming is coming from.

The integrity of the press is of paramount importance to any democracy. As the Commission has clearly warned, audience members must be able to tell where the program they are watching ends and the paid advertisement begins. Today’s *Forfeiture Notice* reaffirms the affirmative legal obligation of broadcasters to alert the public to any payola punditry and places the industry on notice that the Commission will act to ensure the public is protected from special interest groups who attempt to trick the public.

While this action is overdue, we are pleased the Commission takes this issue seriously. This *Forfeiture Notice* demonstrates how important it is for broadcast stations to clearly announce any sponsors furnishing material or services, particularly for use in connection with the broadcast of political material or discussion of a controversial issue of public importance. Accordingly, we speak in a unanimous voice.

² Section 507 of the Communications Act of 1934, as amended, codified at 47 U.S.C. § 508. See Letter from Enforcement Bureau, FCC, to Graham Williams Group, Inc., File No. EB-05-IH-0031 (July 23, 2007) (“[T]he record established that Williams and GWG [the Graham Williams Group] received more than nominal consideration from DoED [Department of Education] to include particular material in programming supplied to and intended for transmission by broadcast stations and that the material was, in fact, aired by various broadcast stations. In these circumstances, Williams and GWG were obligated under Section 507 to disclose to the licensees reviewing the programming that the NCLB-related broadcast material was sponsored by DoED. The record also established that such disclosure was not provided by either Williams or GWG. We conclude that WGB and Williams violated Section 507 of the Communications Act.”).

³ *Forfeiture Notice* at footnote 45.