

FCC 72-105
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PUBLIC NOTICE

Unauthorized Broadcast of Federal Aviation Administration Communications by Broadcast and Other Federal Communications Commission Licensees

The Commission has been notified by the Federal Aviation Administration in connection with recent aircraft hijackings that some broadcasters and other Federal Communications Commission licensees have engaged in monitoring of Federal Aviation Administration air-to-ground communications and divulging their content to the public, in some instances by broadcasting live or taped reproduction of such conversations. The Federal Aviation Administration has not authorized such activities and has reported that the widespread public dissemination of these radio transmissions could seriously hinder law enforcement activities during an actual aircraft hijacking and therefore jeopardize the lives of passengers and crew. Moreover, such radio transmissions serve to alert potential hijackers to the modus operandi of law enforcement and provide blueprints for future hijackings with increased danger to the public.

The Commission recognizes that there is a strong public interest in the free gathering and dissemination of news and does not wish to discourage broadcast stations or other news media in their proper efforts to serve such public interest. However, it must also be recognized that there is a strong public interest in public safety, and that the divulgence of public safety communications in news bulletins or other use of such intercepted communications is contrary to law unless authorized.

Section 605 of the Communications Act, with limited and specified exceptions, prohibits any person, not authorized by the sender, from intercepting and divulging or using radio communications of this character. This prohibition is applicable to the practice of monitoring such Federal Aviation Administration communications for the purpose of obtaining information as to events worthy of on-the-spot news coverage, to making other beneficial use of such interceptions, and to the divulgence of the content of such transmissions either in verbatim form or in news bulletins.

Federal Aviation Administration officials are of course desirous of cooperating with the news media to the extent consistent with public safety and the discharge of law enforcement responsibilities. Therefore, licensees should contact the officials of the Federal Aviation Administration who are authorized to grant the necessary authority for the interception and divulgence of Federal Aviation Administration air-ground communications, and ascertain the conditions under which monitoring and divulgence would be appropriate. Licensees must give all due consideration to the conditions imposed.

Broadcasters and other licensees are advised that unauthorized use or divulgence of Federal Aviation Administration air-ground communications is a violation of Section 605 of the Communications Act and could subject licensees and others involved to criminal prosecutions or other sanctions under the Communications Act of 1934, as amended.

Action by the Commission February 2, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Reid and Wiley, with Commissioner Johnson concurring.

Sent to all broadcast licensees.