

# FCC Won't Judge News Decisions

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The Federal Communications Commission ruled yesterday that it has no right to review the "journalistic judgment" of radio and television stations.

In a landmark decision the FCC ruled that a station's journalistic judgments are "subject to review by media critics and students but not by the licensing agency."

At issue before the Commission were charges that a news documentary, "Pot Party at a University," had been "staged" by a reporter for benefit of TV cameras.

The FCC decided that reporter John V. Missett had "induced" Northwestern University students to hold a marijuana party but refused to place the license of Chicago's WBBM-TV "in jeopardy."

## 'Robust Debate'

"We must tailor our action," the FCC ruled, "to best serve the public interest in the most robust, wide-open debate—the underpinning of the First Amendment."

Elsewhere in the 21-page decision, the Commission said: "Broadcasting is, of course, no less entitled to First Amendment protection than the print media" and that stations are "entitled to show through investigative journalism that substantial segments of society are flouting a particular law . . ."

The FCC has the authority to fine a station, to place its three-year license on short-term (less than three years) period or to suspend the license.

The FCC ruled: "Station managers properly have discretion to exercise judgment on controversial news matters, the majority of which are fast-breaking in nature." It added that the discretion con-

tinues "where time is not a critical factor."

WBBM-TV is owned and operated by the Columbia Broadcasting System. The FCC told CBS that it "should set forth promptly" policies for guidance of its personnel to prevent recurrence of staged news stories. The FCC added, however, that CBS policy guidelines issued to station personnel on Oct. 27, 1967, "are adequate."

The Commission also absolved WBBM-TV of a charge that the "Pot Party" programs were telecast to "hypo" audience ratings.

The programs were telecast in Chicago, Oct. 31-Nov. 2 and brought protests from Northwestern University officials. Missett denied, throughout hearings before the House special subcommittee on investigations, that he had "induced" students to hold the marijuana party.

The FCC ruled: "We have found that the marijuana party which WBBM-TV filmed was held at the instigation and behest" of Missett. The FCC added that WBBM-TV management "was unaware of this fact."

The Commission also ruled that a broadcaster isn't required to have "a policy of notifying authorities when it is known that a crime is about to take place." (The "crime" here is that a marijuana party would be held.)

"In our view," the FCC wrote, "WBBM-TV could properly present a pot party as a facet of investigative journalism."

Six of the FCC's seven Commissioners were in favor of the decision. Commissioner Nicholas Johnson issued a "preliminary dissenting opinion."