

Equal Time Doctrine *Part 6.12.72* Amplified

If a political candidate appears on a non-news broadcast but does not mention his candidacy his opposing candidates still must be given equal time, the Federal Communications Commission ruled yesterday.

William B. Ray, chief of the FCC Complaints and Compliance Division, who made the ruling, said this applies except in cases exempted from the equal opportunity rules—bona fide newscasts, interviews, documentary or news events.

Ray acted in response to a request from the Rev. Charles E. Reichenbach of Wheeling, W. Va. He said a judge seeking reelection to the Intermediate Court of Ohio County appeared on a religious program and is scheduled to appear on a second program.

If a station permits a qualified candidate to "use" a broadcast station under such circumstances, Ray said, his opponents must be granted time in response to each appearance by the judge.

The fact that the judge does not mention his candidacy on the program is immaterial, Ray said, because there is no requirement that appearances by candidates must be political in order to constitute "use" under the Communications Act.

The judge's opponent is free to use his broadcast time without regard to the way the judge used his broadcast time, Ray also said.

The FCC documents did not give the judge's name nor say whether the program in question was conducted by Reichenbach.