

Even this statement was misleading. The CIA had denied that it had any involvement in the illegal acts that ABC had accused it of carrying out through Rewald and his company. The agency had not confined its denials to "one aspect" of the ABC report, the alleged effort to get Scott Barnes to kill Rewald. ABC failed to acknowledge that these charges were also unsubstantiated and were contradicted by the statements of Judge Pence and the bankruptcy trustee. ABC also failed to tell its viewers anything about the flaky character of Scott Barnes, its source for its most sensational charges. Nor did it explain why it had failed to discover that Barnes' charges would not stand up before putting them on the air and before announcing on September 26 that it was standing by its story.

Will the FCC Help?

For many years the FCC has taken the position that it will not take action against a licensee for broadcasting false statements. It has sought to avoid becoming an arbiter of the truth. It has said that it would take disciplinary action only if a complainant could provide "extrinsic" evidence that the falsification was done knowingly and deliberately. This has been construed to mean something like a memo from the management to a news director saying, "We know this is untrue, but you are directed to put it on the air." Evidence that a broadcaster must have known that what he was airing was untrue at the time he aired it has not been sufficient cause for the FCC to act in the past.

The CIA complaint cites "the Commission's well settled rule that a licensee is expected to exercise reasonable diligence, supervision and control in order to insure that no matter is broadcast which will deceive or mislead the public." (WABC-TV License Renewal, FCC 820561, p. 5, 23 Dec. 1982)

The CIA also invokes the Personal Attack Rule, which requires a broadcaster to provide opportunity for response to a person or group whose "honesty, character, integrity or like personal qualities" have been attacked in a broadcast discussing a controversial issue of public importance. The agency argues that ABC cannot take refuge in the exemption of bona fide newscasts from this rule, saying that the purpose of that exemption was to protect the reporting of spot news. It notes that the segments on the CIA and Rewald were prepared over a substantial period of time, giving ABC ample opportunity to fully investigate and evaluate the charges. It says: "An investigative report which requires such planning and calculation is not exempt from the Personal Attack Rule," noting that news documentaries are not exempt.

The Reagan appointees to the FCC have been openly campaigning to abolish the Fairness Doctrine, and they have summarily rejected virtually every serious fairness complaint that has come before them, no matter how solidly documented. This is a reflection of the libertarian philosophy of FCC Chairman Mark Fowler, who seems to feel that organizations such as ABC News will do the right thing in the absence of any threat of governmental sanction if they don't. Fowler's FCC will probably let ABC off the hook, but the CIA has the right to challenge an adverse ruling in the courts.

The Lessons of the CIA Case

What the CIA complaint demonstrates is that even a powerful government agency such as the CIA has trouble getting a fair shake from a news organization that is more interested in promoting sensational stories than in getting at the truth.

It demonstrates that these large news organizations are capable of incredible, irresponsible and sloppy journalism, and willing to go with discredited sources.

It demonstrates that there is something very wrong with the management of ABC for failing to insist on a genuine investigation and a prompt disclosure of the findings as soon as the CIA challenged its report.

It demonstrates that there is no merit to the contention that it is reasonable to make it difficult for public figures to sue for libel because it is easy for them to obtain redress by getting their side of the story told in the news media. The false charges of the CIA's involvement in illegal activities through the Rewald firm appeared on the front page of the Wall Street Journal on April 18, 1984 in an article by Jonathan Kwitny. CBS News picked them up on May 14 and 15. ABC got into the act late, but it added the straw that broke the camel's back—the charge of intent to murder. It took legal action—the complaint to the FCC—to get any significant publicity for the CIA's side of the story.

What You Can Do

AIM and three other ABC shareholders asked ABC to include in the proxy material to be submitted to all its shareholders in advance of the company's annual meeting in New York City next May a resolution recommending that ABC News employ a "viewers' advocate." This official would be charged with the responsibility of investigating complaints of error and distortion in news programs. As the title implies, the viewers' advocate would approach the task with the goal of finding out if the complaints had merit, not with the goal of finding some way of brushing them aside. Our resolution is accompanied by a 450-word explanatory statement which shows how ABC News mishandled the Rewald story and the CIA efforts to get a retraction. We think ABC's shareholders should know about this. ABC's credibility has been seriously damaged by its handling of this case.

You can help persuade ABC's chairman, Leonard H. Goldenson, that he should support AIM's proposal, or at least not oppose including it in the proxy material. Write to him at ABC, 1330 Avenue of the Americas, New York, N.Y. 10019.

The AIM REPORT is published twice monthly by Accuracy in Media, Inc., 1275 K Street, N. W., Washington, D. C. 20005, and is free to AIM members. Dues and contributions to AIM are tax-deductible. The AIM Report is mailed 3rd class to those whose contribution is at least \$15 a year and 1st class to those contributing \$30 a year or more. Non-member subscriptions are \$35 (1st class mail).
