

to send a tape, transcript or summary of the attack to the attacked person or group within a reasonable time and in no event later than one week after the attack. Exempted from this requirement are "bona fide newscasts" and "on-the-spot coverage of a bona fide news event."

2. Where a licensee permits the use of his facilities for any person other than a candidate for political office to take a partisan position on the issues involved in an election or to attack one candidate, the licensee must accord the candidate concerned a "comparable" opportunity to answer.

3. Where a licensee permits the use of his facilities for the presentation of views regarding issues of current importance, there must be similar opportunity for the expression of contrasting views accorded to other responsible groups within the community.

We shall consider each of these separately.

1. *The personal attack principle.*—This issue is complicated by the dual needs of the attacked parties and of the licensee. Any standard of fairness and equity must recognize that an individual being attacked on the public airwaves should be given an opportunity to vindicate himself, especially a private individual who does not have the resources or recourses to respond to the attack in any other way—unlike public figures whose views stations may frequently solicit but who also have other arenas in which to rebut attacks. Not only is the public nature of the media involved but also the inherent nature of radio and television as electronic media is that they may leave no record behind in the absence of tape, transcript or summary for an attacked person who would be unable to reply because he wouldn't know what to reply to.

On the other hand, any requirement obliging the licensee to seek out the attacked party and send him a tape, a transcript or summary does impose an administrative burden on the licensee. This burden has been said to threaten diversity by discouraging the programming of material which might set off the personal attack mechanism. It is feared that the number of complaints registered might be very large and that the licensee would have to locate all of the attacked persons, no matter where or how many they might be. The actual scheduling of rebuttals, particularly if they are numerous, might be extremely difficult since time is limited on the air. Program shifting might be involved. To carry out these tasks a station would need proper personnel, possibly having to hire special people. If the station operated on a tight budget, this might prove a financial strain that could force the station to relinquish its license or cut down on its public service programs and staff.

In order to meet the needs of both the licensee and the attacked party, and in order to achieve broadcasting diversity, the Union's position is that stations should be required to give time to reply to attacks if it is requested, but should not be required to seek out each attacked party and send him a tape, transcript or summary. In other words, in order to make the principle workable, we should place the burden of asking for the right to reply on the attacked party.

2. *"Bona fide newscasts and on the spot news coverage."*—Often both the licensee and the attacked party are seeking the same end—diversity—but reconciliation of their interests may be difficult. This is especially so with reference to the special exemption which excludes bona fide newscasts and on-the-spot news coverage from the personal attack principle. Probably, the reason for the exemption is a fear that the obligation to seek out, etc. a person attacked might inhibit news reporting. Query whether if an individual is attacked on a news program, the harm done to him is in anyway different or less damaging than it would be if he had been attacked on a non-news program? It could be argued that newscasts are of a different breed, that their substance is primarily spontaneous reactions to the news of the day and therefore special care must be taken so as not to spoil their specialized function. But it is precisely because newscast coverage deals with public events, often involving political controversy where attacks are so frequent, that fairness dictates that people who have been attacked should have a right of reply if they request it. Moreover, because political controversy is an area in which the public needs as much enlightenment as possible, the public interest as well as the other side's interest is served by giving the other side an opportunity to be heard.

Therefore, the Union favors the same approach in the case of newscasts and on-the-spot news coverage as it uses toward all other attack situations. We most emphatically support the right to reply here, but we are opposed to a requirement that the station take the initiative in informing the individuals and groups of the attack. If the attacked party requests a reply opportunity, we think the station should honor the request.