

SEPARATE STATEMENT  
OF  
COMMISSIONER CHARLOTTE T. REID  
IN WHICH COMMISSIONERS JAMES H. QUELLO AND ABBOTT M.  
WASHBURN JOIN.

RE: Application for Review filed by Robert C. Jubelirer

Since the Commission denied review in this case, it is necessary to mention some of the facts of the case.

Robert C. Jubelirer, the complainant and a member of the Senate of Pennsylvania, sought time on Radio Station WVAM, Altoona, Pennsylvania, to reply to a WVAM editorial concerning the expulsion of a State Senator. The station agreed to provide reply time, but prefaced Mr. Jubelirer's reply with the following "introduction:"

Today we present a response to a commentary of April 25th, in which I suggested that the actions of State Senator Robert Jubelirer in relations to recent Senate actions surrounding the Frank Mazzei controversy again helped to arouse the ugly head of partisanism in the General Assembly. WVAM offered an opportunity to Mr. Jubelirer for respond (sic). Today we will hear that response. Although the words you will next hear are spoken by Robert Jubelirer, the script is the third of a series of drafts written by Bob Williams of the Senate Majority Leaders Staff in Harrisburg. When Williams was contacted in Harrisburg, he was "amazed that the Senator's office would have forwarded one of the original suggested editorial response and written by his office and at the taxpayers' expense." (emphasized supplied)

The Commission properly denied review of the Broadcast Bureau's ruling that, under the circumstances, it could not determine whether WVAM had violated the Fairness Doctrine since, on its face, the station had presented a contrasting viewpoint to that presented in its original editorial.

Mr. Jubelirer further alleged that the "very obvious interest" of the remarks set forth above "was to undermine the legitimacy of the arguments complainant offered in response." My sympathies are with Mr. Jubelirer on this count. Apparently, the station violated no Commission rule or policy when it prefaced Mr. Jubelirer's remarks. That is to say, it did nothing illegal under existing law. The fact remains, however, that WVAM clearly failed to understand and follow the spirit of the law when it colored Mr. Jubelirer's reply comments.

Time and time again, this Commission makes decisions which when all is said and done rest on a bedrock of licensee responsibility and accountability. Obviously, we cannot legislate a broadcaster's every move; if anything, the trend has been in the opposite direction. It is an action like this by a licensee which taints broadcaster cries for de-regulation and more autonomy.

It may not have been illegal but in my opinion it was very, very bad form.