

Before the
Federal Communications Commission
Washington, D.C. 20554

LETTER
November 7, 1991

Released: November 14, 1991

Professor David Berkman 8330-M
730 Homestead Trail C4-613
Grafton, WI 53042

Dear Professor Berkman:

This is in response to your complaint against WISN alleging violation of the Commission's personal attack rule, 47 C.F.R. Section 73.1920. After reviewing your complaint of April 24, 1991, WISN's response of August 14, 1991, to our July 26, 1991, letter of inquiry, and your reply of August 30, 1991, we conclude that WISN has not violated the personal attack rule.

You claim that during the discussion of a controversial issue of public importance, namely, media coverage of the Iraqi war, Mr. Belling, a talk show host on WISN, made the comment that you "won't be happy until we see Iraqi soldiers jumping for joy." You argue that this statement has no interpretation other than that you hoped for a military defeat of the United States. You allege that this statement calls you a traitor to the U.S., and claim that it is an attack upon your character, integrity and like personal qualities.

WISN, in its response to our inquiry, argues that Mr. Belling's statement did not constitute a personal attack because it was not intended to convey that you were a traitor to your country; only that you would be happy, and Iraqi soldiers would be jumping for joy, if American forces withdrew from Kuwait. WISN argues that this statement is not an attack upon your honesty, character, integrity or like personal qualities, and, therefore, no personal attack occurred. In your response to WISN, you reiterate your position that Mr. Belling's statement cannot be interpreted as anything other than an attack upon your patriotism.

We cannot find that WISN's explanation of the intent of Mr. Belling's statement is unreasonable. Its statement is consistent with Mr. Belling's opinion that you wished to see a withdrawal of American troops from Kuwait, which, according to WISN, was the context within which the statement was made. Under the circumstances, we cannot find that Mr. Belling's statement constituted a personal attack.

ACCORDINGLY, your complaint against WISN IS DENIED.

Staff action is taken here pursuant to delegated authority. Application for Review by the Commission may be requested within thirty days of the date of public notice of this ruling (see Commission Rule 1.4(b) (47 C.F.R. Section 1.4(b)) by writing the Secretary, Federal Communications Commission, Washington, D.C., 20554, stating factors warranting consideration and, if mailed, should be

sent by certified mail. Copies must be sent to parties to the complaint. See Commission Rule 1.1115 (47 C.F.R. Section 1.115).

Sincerely,

Milton O. Gross
Chief, Fairness/Political
Programming Branch
Enforcement Division
Mass Media Bureau

cc: WISN
Christopher J. Reynolds, Esq.