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ABC HIT WITH A SECOND 'SLANTING' COMPLAINT

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ABC News has been slapped with another complaint charging it with deliberate "news suppression" and distortion in reporting CIA involvement with a Honolulu investment firm, including the charge that the agency plotted to kill an American citizen.

The new filing was made to the FCC on the same day that the commission dismissed a similar CIA fairness-doctrine complaint against the network.

The new 45-page complaint by the Washington-based American Legal Foundation, a conservative public-interest law firm, charges that the network violated FCC rules by "deliberately distorting, slanting and falsifying" news broadcasts, deceived viewers about the accuracy of information broadcast and presented "only a single viewpoint" on the controversial issues raised in the disputed Sept. 19 and 20, 1984, "World News Tonight" reports.

ABC had no comment on the foundation's complaint.

The new charges are similar to ones raised by the Central Intelligence Agency in a complaint denied Thursday by the staff of the Federal Communications Commission. The new filing will be considered separately from the CIA's, the FCC said Monday.

"We're handling it as a routine fairness complaint that will be handled at staff level," said Bill Russell, director of the FCC's office of congressional and public affairs.

In the new complaint, the foundation asked the commission to conduct a full-scale investigation of the ABC broadcasts and to "revoke the licenses of all of ABC's owned and operated television stations" if the FCC finds that ABC violated the terms of its broadcast licenses. Also named in the complaint was WJLA-TV, ABC's affiliated station in Washington.

Most significantly, the foundation's complaint raises the novel legal argument that ABC violated FCC regulations by engaging in deliberate suppression of information "in an attempt to concoct a sensational 'investigative' news story that would attract viewers even as it misled them."

The foundation's filing cites 15 "flagrant instances of news distortion and/or news suppression" in the ABC broadcasts.

Michael P. McDonald, general counsel of the foundation, said Monday that the news-suppression argument was advanced because ABC purposely did not report information that undercut charges of illegal CIA activities through the now-bankrupt Honolulu investment firm of Bishop, Baldwin, Rewald, Dillingham & Wong.

In the news reports, ABC said that the CIA used Bishop, Baldwin as a cover for clandestine agency activities throughout Asia and the Pacific, including illegal arms shipments to Taiwan and efforts to destabilize the economies of a number of foreign countries. ABC also charged that the CIA plotted to murder investment counselor Ronald R. Rewald.

Information contrary to ABC's charges was reported widely by Hawaiian newspapers and TV stations as well as national news media prior to the disputed broadcasts, McDonald noted in a telephone interview.

The CIA has acknowledged a limited involvement with Rewald and his company, but denied that it had anything to do with any illegal activities. The agency has denied ABC's murder charge, which was the key issue in the CIA's unprecedented complaint filed with the FCC in November.

The FCC staff concluded that the CIA's complaint "fail(ed) to establish prima facie complaints sufficient to initiate a commission inquiry or sanctions."

McDonald said that the foundation's filing has a "better legal

argument" than the CIA's and more fully satisfies the FCC's procedural requirements for fairness-doctrine complaints.

"ABC deliberately suppressed public information in order to enhance charges of CIA wrongdoing," McDonald said. The network's action, he said, violated ABC's "implied fiduciary obligation to its viewers to present accurate information."

McDonald said that the principal example of ABC's news suppression was in its reporting of the charge raised by former prison guard Scott T. Barnes that he was made privy to a CIA plot to kill Rewald. ABC had a two-year history of dealings with Barnes, McDonald noted, and Barnes' credibility was suspect both within and without the network.

ABC first encountered Barnes in 1982, when he charged that the CIA ordered the killings of two Caucasians in Laos. The Times reported last month. After investigating that charge, ABC "Nightline" anchor Ted Koppel subjectively concluded that Barnes' story could not be believed.

ABC was obliged, McDonald said, to tell its viewers that there were serious doubts about Barnes' credibility.

"It wasn't enough for ABC correspondent Gary Shepard to put a camera on Scott Barnes and roll the film," McDonald said. "He (Shep-

ard) was under an obligation to add other information. It's suppression of the news in the sense that ABC denuded Barnes' statements of their proper context. They (ABC) wittingly enhanced the credibility of his charges."

According to the foundation's filing: "Many of ABC's top news officials . . . were aware of the lack of credibility of Scott Barnes, ABC's 'star witness' on the existence of a CIA murder conspiracy."

"However, despite the widespread knowledge within the ABC news department that such allegations were unfounded, the (sic) ABC 'World News Tonight' went

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ahead with the scheduled broadcasts and, by suppressing all contrary evidence absolving the CIA of wrongdoing, perpetuated a fraud upon the millions of viewers who watched these programs."

The foundation's complaint did not note, however, that there was a major disagreement about Barnes' 1982 story within ABC. William Lord, then executive producer of "Nightline" had a "strong difference of opinion" with Koppel over Barnes. David Burke, ABC News executive vice president, said in an interview with *The Times* last month.

Lord later was named executive producer of "World News Tonight" and was in charge of the nightly news program at the time of the disputed September, 1984, broadcasts.

"That didn't strengthen our position," McDonald said about the filing's omission of the Koppel-Lord disagreement.

The American Legal Foundation was established in 1980 and describes itself as a conservative public-interest law firm dealing with media-related issues. Last year, it set up the Libel Prosecution Resource Center in Washington to aid persons in suits against the news media. The foundation claims 40,000 individual supporters across the country as well as corporate and nonprofit financial backing.

The foundation has two other complaints currently under consideration at the FCC—a 1983 filing against the CBS documentary, "The Uncounted Enemy: A Vietnam Deception" (currently the subject of a widely publicized \$120-million libel suit) and a 1984 complaint against a segment of

CBS' "Our Times With Bill Moyers" entitled "Pentagon Underground." In the past, the foundation has also filed against NBC.
