

CBS NEWS STANDARDS

April 14, 1976

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Preface

Every answer to every contingency cannot be provided by any written statement of ethics, policies, and guidelines covering one's professional conduct. And this is especially so in journalism. This is why judgments have to be made by each individual, as conscientiously as humanly possible, and why neither computers nor the equivalent of the Internal Revenue Code will serve the purpose.

One of the wondrous things about the practice of journalism is that it cannot be done by rote, and each new month, if not each new day, presents new, challenging, and difficult issues calling for nice and decent judgments. There will be, as time goes along, refinements, amendments, and, I think, improvements, for daily experience is so much a part of journalism, and the changing experiences never end--and hence, the learning process never ends.

I would, in addition to what appears in the following pages and also to Mr. Schneider's introduction, add a few general convictions of my own.

One is the overriding importance peculiar to our form of journalism of drawing the sharpest possible line--sharp perhaps to the point of eccentricity--between our line of broadcast business, which is dealing with fact, and that in which our associates on the entertainment side of the business are generally engaged, which is dealing in fiction and drama. Because it all comes out sequentially on the same point of the dial and on the same tube, and because, then, there are no pages to be turned or column lines to be drawn in our journalistic matrix, it is particularly important that we recognize that we are not in show business and should not use any of the dramatic licenses, the "fiction-which-represents-truth" rationales, or the underscoring and the punctuations which entertainment and fiction may, and do, properly use. This may make us a little less interesting to some--but that is the price we pay for dealing with fact and truth, which may often be duller--and with more loose ends--than fiction and drama.

Second, it is my strong feeling that our news judgments must turn on the best professional judgments that we can come to on what is important, rather than what is merely interesting. Again, our function, then, contrasts sharply with the rest of the broadcast schedule which surrounds us, and, indeed, which supports us. In general, to the extent that radio and television are mass media of entertainment, it is entirely proper to give most of the people what most of them want most of the time. But we in broadcast journalism cannot, should not, and will not base our judgments on what we think the viewers and listeners are "most interested" in, or hinge our news judgment and our news treatment on our guesses (or somebody else's surveys) as to what news the people want to hear or see, and in what form. The judgments must be professional news judgments--nothing more, nothing less.

A corollary of this basic principle is that if we are to provide what it is important for people to know, we must not shrink from reporting what is newsworthy even though there are no pretty or dramatic pictures to go with it. There is nothing wrong with a talking head--provided the head has something to say and says it well. We must not be carried away by the cliché, which, like almost all clichés, is only sometimes true, that a picture is worth a thousand words. It may be and it may not be. A few well-chosen, well-written, and, above all, thoughtful, words may often be worth a thousand pictures. The most exciting thing in the field of information is an idea.

And, finally, this is as good a place as any to remind ourselves that our paramount responsibility at CBS News is to present all significant facts, all significant viewpoints so that this democracy will work in the way it should work--by the individual citizen's making up his own mind on an informed basis. Our job is to contribute to that process and not to make up for them the minds of those who listen to and watch us. We must always remember that a significant viewpoint does not become less significant just because we personally disagree with it, nor does a significant and relevant fact become less relevant or significant just because we find it unpalatable and wish it weren't so.

Dick Salant

April 14, 1976

Production Standards

Advertisers and Commercial Messages

In a speech on May 25, 1954, which discussed the basic CBS policies applicable to news and public affairs broadcasts, William S. Paley stated:

"An advertiser who sponsors any type of information program produced by us does not thereby purchase, or in any way gain, any rights to control the contents of the program."

This fundamental concept has been rigidly implemented and enforced by CBS management over the years. As a consequence, CND and its broadcasts have been completely insulated from advertisers and advertiser pressures. These are the basic implementing policies and procedures:

- CND has no sales department. It does not sell the broadcasts it produces. Instead, commercial time in the radio broadcasts CND produces is sold by the CBS Radio Division; commercial time in the television broadcasts CND produces is sold by the CBS Television Network Division; and each advertiser is serviced by the division that makes the sale.
- CND retains sole control over the content of its broadcasts. They are not tailored in any way to the desires or requirements of advertisers. Requests by advertisers for script approval or any other form of content control have been, and must be, rejected.
- If a broadcast deals with a non-controversial subject, advertisers may view it or hear it any time after the completion of production -- but only to determine its suitability for sponsorship and not, in any way, to influence its content. If it deals with a controversial subject, advertisers may not view it or hear it prior to the date on which it is previewed for the CBS affiliates.
- If the content of a broadcast is antithetical to an advertiser which has agreed to sponsor it, or to the advertiser's products, the advertiser may be permitted to withdraw its commercial message and reschedule it in another news broadcast. But, in such situations, the broadcast content will not be changed.

- It is not permissible to include in billboards or in commercial messages language which may mislead viewers or listeners into believing that the broadcast would not have been produced were it not for the advertiser's sponsorship. It is not permissible, therefore, to state that the broadcast is "presented by," or "a presentation of," or "brought to you by" the advertiser. It is permissible to state that a broadcast is "sponsored by" the advertiser.
- No identification of the advertiser or its products is permitted to be seen or heard during a broadcast outside of the time devoted to billboards or commercial messages. As an example, a request for permission to include an advertising logo on the desk of the broadcaster so that it may be seen as he broadcasts, has been, and must continue to be, rejected.
- CND correspondents may not participate in billboards or in lead-ins to commercial messages on television broadcasts. They may mention the name of the product or sponsor (without descriptive material) in billboards and in lead-ins to commercial messages on radio broadcasts.
- Commercial messages related to broadcast content, and sponsors who hold positions on issues to be covered in a broadcast, are not prohibited if (i) the impression will not be created that the content of the broadcast was in any way influenced by the sponsorship; (ii) there is a clear and distinct separation between broadcast content and commercial matter; and (iii) it is expressly stated that the broadcast is "under the sole control of CBS News."
- It is inappropriate to include commercial messages in (i) religious broadcasts; (ii) broadcasts devoted solely to interviews of (or press conferences with) the President of the United States; (iii) the broadcast of a personal tribute if the broadcast is directly related to the death of the person involved and occurs within several days thereafter.
- Political announcements may not be inserted in hard news television broadcasts. Such announcements may be immediately adjacent to such broadcasts but the sponsor identification must appear between the announcement and the broadcast.
- Political announcements may be inserted in hard news radio broadcasts if (i) adequate precautions are taken to insulate such announcements from the adjacent news material; and (ii) they are carefully screened to avoid the placement of any such announcement in a position where it would be closely related to news treatment of the issue to which it refers.
- Political announcements which would be incompatible with the content of public affairs broadcasts may not be inserted in those broadcasts or in the adjacent commercial breaks.

1/12/79

Production Standards

Analysis and Commentary*

Analysis and commentary are permitted and encouraged. It is recognized, however, that it may be difficult, on occasions, to distinguish between editorializing (which, with limited exceptions described on page 11, is not permitted) and analysis and commentary (which are permitted). As a consequence, the following bench marks have been issued over the years. All references in them to "analyst" and "analysis" are equally applicable to "commentator" and "commentary":

"What news analysts are entitled to do and should do is to elucidate and illuminate the news out of common knowledge or special knowledge possessed by them or made available to them by this organization through its news sources. They should point out the facts on both sides, show contradictions with the known record, and so on. They should bear in mind that in a democracy it is important that people not only should know but should understand, and their function is to help the listener to understand, to weigh, and to judge, but not to do the judging for him. It is impossible, within any reasonable limits, to define completely this last-mentioned aspect of news analysis. Fairness and temperateness are of its essence."
(Testimony by William S. Paley on June 16, 1941 before the Senate Committee on Interstate Commerce)

"... the function of the news analyst is to marshal the facts on any specific subject and, out of his common or special knowledge, to present these facts so as to inform his listeners rather than persuade them. The analyst should attempt to clear up any contradictions within the known record, should fairly present both sides of controversial questions and, in short, should give the best available information upon which listeners can make up their own minds. Ideally, in the case of controversial issues, the audience should be left with no impression as to which side the analyst himself actually favors..." (Memorandum by Paul White to CBS News personnel during World War II)

"In both news and news analysis, the goal of the news broadcaster or the news analyst must be objectivity. I think we will recognize that human nature is

* For many years (until 1974), the term "analysis" was used to describe all analytical pieces by CND analysts. It is now used to describe only those analytical pieces which immediately follow Presidential or other speeches. All other analytical pieces are now described as "commentary." The distinction is one of nomenclature only--not of substance.

such that no newsman is entirely free from his own personal prejudices, experience, and opinions and that, accordingly, 100 percent objectivity may not always be possible. But the important factor is that the news broadcaster and the news analyst must have the will and the intent to be objective. That will and that intent, genuinely held and deeply instilled in him, is the best assurance of objectivity. His aim should be to make it possible for the listener to know the facts and to weigh them carefully so that he can better make up his own mind." (A speech--"The Road to Responsibility"--by Mr. Paley on May 25, 1954)

"... it is recognized that the distinction between news analysis and editorializing may be hard to draw, due to the fact that a well-knit analysis may point toward a conclusion and in that respect may resemble editorialization. When this occurs special attention must be paid by the analyst to his choice of language in order to make clear that no editorialization is meant. Among features that distinguish editorials from analysis are that an editorial recommends a course of action, makes a normative judgment or states a personal preference, while an analysis, on the other hand, interprets the meaning of events and seeks to answer such questions as what has caused the event and what its consequences may be." (A CBS policy statement on April 14, 1967)

Each item, in a hard news broadcast, which consists entirely or substantially of commentary, will be identified by the use of terms such as "commentary," "background," "perspective" or any similar term which will disclose that a news event is being analyzed.

Production Standards

Correction of Errors in CND Broadcasts

Significant errors in material facts must be corrected, clearly and promptly, in appropriate broadcasts.

The correction of an error made in a documentary (or other one time) broadcast will be included in an appropriate broadcast designated by the President of CND. In all other cases, unless otherwise determined by the President of CND, the broadcast that made the error will be responsible for broadcasting the correction.

It must be clear, in the correcting broadcast, that we are broadcasting a correction. Consequently

- It is not sufficient merely to report that the statement included in the original broadcast has been denied. The accuracy of the denial must be specifically confirmed.
- It is not sufficient merely to include the accurate information in the correcting broadcast. The fact that it is a correction must be specifically noted.
- It is not sufficient merely to broadcast a letter from a viewer or listener which asserts that we were in error. The accuracy of the assertion must be specifically admitted.

Production Standards

Demonstrations, Riots and Other Civil Disturbances

It has been asserted that television, by the presence of its cameras, lights and crews, inspires or intensifies disturbances--an assertion based, in large part, on the further assertion that individuals and groups who seek to publicize their viewpoints will, sometimes, "perform" for our cameras and microphones.

If we ignored all events which, to some degree, were designed for us (in timing, nature or otherwise) we would never cover a press conference, or indeed, almost any other kind of event except hurricanes, floods and other natural disasters. And it is our journalistic responsibility, of course, to cover and report newsworthy disturbances. But it is essential that we do so i) as reporters, not as participants; ii) with complete objectivity, accuracy and restraint; and iii) as inconspicuously and unobtrusively as the circumstances permit. Since the problems involved are varied and complex, the achievement of these objectives cannot be guaranteed by detailed or self-executing rules. Instead, each situation requires careful on-the-spot news judgments. The following standards, developed over the years, should assist you in making those judgments:

- Use unmarked cars, whenever possible, to transport equipment and personnel to the scene of the disturbance.

- Position your equipment as unobtrusively as you can, taking full advantage of the flexibility permitted by such equipment as shot-gun mikes, wireless mikes, color light amplifiers and miniaturized cameras and recorders.

- If, in your judgment, your presence is clearly inspiring, continuing or intensifying a dangerous, or potentially dangerous, disturbance, cap your cameras and conceal your microphones regardless of what other news organizations may do.

- Use lights only when essential for the coverage of important aspects of the story. Turn them off, of course, if it appears that they are inspiring, continuing or intensifying a dangerous, or potentially dangerous disturbance.

-- Operate as quietly as possible, keeping your conversation with each other at a minimum.

-- Be restrained, neutral and non-committal in your comments and behavior despite the verbal and/or physical abuse to which you may be subjected by the participants.

-- Avoid coverage of i) self-designated "leaders" if they appear to represent only themselves or ii) any individuals or groups who are clearly "performing."

-- Cover the disturbance exactly as it happens with no staging whatsoever; make no request or suggestion of any kind which will, in any way influence the participants to do or refrain from doing anything.

-- Obey all police instructions but report immediately to the President or a Senior Vice President of CND any such instructions that, in your judgment, seem to be intended, primarily, to manage or suppress the news.

-- Be careful about your physical safety. Although we try not to be deterred from our coverage of a story by threats of violence, overriding policy dictates that the health and safety of CND personnel take priority over the possible loss of a story. It is, therefore, your responsibility carefully to gauge the likelihood of bodily injury and then to elect which of these alternatives seems appropriate: i) continue with your coverage or ii) move to a less exposed position which will still permit coverage or iii) leave the scene.

-- Report the disturbance soberly, factually and unemotionally.
To this end:

1. Live coverage of a disturbance is prohibited unless specifically approved in advance by the President or a Senior Vice President of CND.

2. Do not broadcast a report of a disturbance until the seriousness of the situation, the extent of the damage and the number, intensity and mood of the participants have been appraised cautiously and with restraint.

3. Avoid the use of inflammatory catchwords or descriptive phrases such as "police brutality," "angry mob," "explosive violence," etc.
4. Do not characterize a disturbance as a "riot" unless that term is clearly justified by the size and intensity of the disturbance.
5. Do not report, as factual, rumors (for example, of sniping), "eyewitness" reports or statements by participants unless and until their accuracy has been separately and authoritatively confirmed.
6. The facts, as reported, must be in proper perspective. If, for example, we are reporting a demonstration by 100 students on a college campus which has a total of 3,000 students, both figures should be included in the report.
7. Provide context for the story by reporting, as quickly and completely as you can, the identity and background of the participants and the issues and circumstances which preceded or led to the disturbance.
8. Balance statements by participants or their supporters with contrary statements (if any) by other responsible sources.
9. Do not give the exact location of a disturbance or potential hot spot unless it is clearly and materially relevant to the story.

Production Standards

Coverage of Terrorists (4/7/77)

Because the facts and circumstances of each case vary, there can be no specific self-executing rules for the handling of terrorist/hostage stories. CBS News will continue to apply the normal tests of news judgment and if, as so often they are, these stories are newsworthy, we must continue to give them coverage despite the dangers of "contagion." The disadvantages of suppression are, among things, (1) adversely affecting our credibility ("What else are the news people keeping from us?"); (2) giving free rein to sensationalized and erroneous word of mouth rumors; and (3) distorting our news judgments for some extraneous judgmental purpose. These disadvantages compel us to continue to provide coverage.

Nevertheless in providing for such coverage there must be thoughtful, conscientious care and restraint. Obviously, the story should not be sensationalized beyond the actual fact of its being sensational. We should exercise particular care in how we treat the terrorist/kidnapper.

More specifically:

- (1) An essential component of the story is the demands of the terrorist/kidnapper and we must report those demands. But we should avoid providing an excessive platform for the terrorist/kidnapper. Thus, unless such demands are succinctly stated and free of rhetoric and propaganda, it may be better to paraphrase the demands instead of presenting them directly through the voice or picture of the terrorist/kidnapper.
- (2) Except in the most compelling circumstances, and then only with the approval of the President of CBS News, or in the President's absence, the Senior Vice President of News, there should be no live coverage of the terrorist/kidnapper since we may fall into the trap of providing an unedited platform for him/her. (This does not limit live on-the-spot reporting by CBS News reporters, but care should be exercised to assure restraint and context.)
- (3) News personnel should be mindful of the probable need by the authorities who are dealing with the terrorist for communication by telephone and hence should endeavor to ascertain, wherever feasible, whether our own use of such lines would be likely to interfere with the authorities' communications.
- (4) Responsible CBS News representatives should endeavor to contact experts dealing with the hostage situation to determine whether they have any guidance on such questions

Production Standards

Outside Contributions for Production Costs

CND does not accept contributions (of cash, property, services or otherwise) from outside persons or organizations to defray, in whole or in part, the cost of broadcasts produced by CND.

Production Standards

Acceptability of Outside-Produced Broadcasts*

Outside-produced broadcasts may be accepted by CND for broadcast subject to the following provisos:

- The arrangements made with the outside producers of documentary and informational broadcasts of nonfictional nature must require them to disclose any production techniques used by them which differ from those applicable to CND produced broadcasts.** Compliance with this requirement will make it possible for CND management to determine whether to refuse the broadcast or to accept and broadcast it with on-air disclosures or deletions.
- Outside-produced broadcasts involving current news or controversial issues will be accepted only if they are produced by established and reputable news organizations; and CND will review the production of each such broadcast to insure that it meets the basic CBS standards, such as fairness, authenticity and the rules covering reenactment and editorializing.

* This standard does not apply to current or stock news footage obtained from outside sources. Such news footage may be used if the producers and others involved are reasonably satisfied that it is what it purports to be. When news footage is obtained from other than normal and usual outside sources, the source should be identified on air and any other special circumstances worth noting, including any doubts about the news footage, should be explained on air when it is broadcast. (See page 21 on use of hand-outs.)

** A copy of the CBS News standards will be furnished to each outside producer together with an explanatory letter of transmittal and a form of the certification to be delivered to CND with the completed broadcast.

Production Standards

Personal Attack Rule

-- Under an FCC rule, if a broadcast (with the exceptions listed below*) involves "the presentation of views on a controversial issue of public importance" and includes an attack on the "honesty, character, integrity or like personal qualities" of any "identified person or group," a tape, transcript or accurate summary of the attack must be given to such person or group within seven days after the broadcast and time for them to reply must be provided.

-- CND has adopted these procedures to assure compliance with this rule: (i) the CBS Law Department has prepared a list of radio and television broadcasts which are clearly exempt from the personal attack rule and that list has been widely distributed to CND executives; (ii) after each non-exempt broadcast, a transcript of the broadcast is delivered immediately to a designated CND executive who is completely conversant with the obligations of CND under the personal attack rule; (iii) he/she reads the transcript carefully and promptly; if there is then the slightest question in his/her mind as to whether or not there has been a personal attack, she/he forwards the transcript immediately to the CBS Law Department for its guidance; and (iv) if it is decided, as a result of these reviews, that a personal attack has been made, a letter is sent, within seven days of the broadcast, to the person or group attacked, enclosing a transcript of the broadcast, offering an opportunity to reply and requesting that the recipient communicate with the CND executive to arrange for the requisite broadcast time.**

* The personal attack rule is not applicable to (i) attacks on foreign groups or foreign public figures, or (ii) attacks made "by legally qualified candidates, their authorized representative, or those associated with them in the campaign, or other such candidates, their authorized representative or persons associated with the candidates in the campaign," or (iii) "bona fide news broadcasts, bona fide news interviews or on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs--)." The personal attack rule is applicable to documentary broadcasts.

** To avoid the potential danger of self-censorship, CND has adopted the policy that the personal attack rule will not be permitted to affect news decisions at the production level. Instead, "normal news judgments will apply ... We shall make no judgments for the purpose of avoiding the consequences which the FCC rules may bring into play. Such judgments would only result in abdication of our responsibility to the public and to the American tradition of a free press." If, however, the executive level and Law Department reviews determine that a personal attack has been made, the personal attack rule will be complied with fully.

-- In situations where the person attacked seeks to have the reply delivered by a surrogate, the Law Department should be notified immediately since CBS will resist such responses.

Production Standards

Reporting on Polls or Surveys (4/17/78)

Based on data supplied by the Director, Election & Survey Unit, the News Broadcast Research Unit will, from time to time, issue memoranda relating to various polling organizations, so that a judgment can be made by the broadcast unit as to the reliability of the polling organization and its methods. These memoranda should be consulted prior to any broadcast use of the survey. In any event, in all cases, the following information should be included in the broadcast:

- (1) Identification of the organization conducting the poll. (If the poll is sponsored by a special interest group, that fact should be stated in our broadcast.)
- (2) Dates of the interviewing.

When the results of the survey comprise a "major" (as distinguished from a one or two line tell) story, the following additional information should be included in the broadcast:

- (3) Population sample (nation-wide, state-wide, etc.)
- (4) Margin of error.

If there are any doubts whatever about the validity, significance, or interpretation of a poll or survey, the Director of the Election & Survey Unit, or his/her designee, should be contacted to evaluate the validity, significance, or interpretation of the information in question.

Production Standards

Pre-recorded Material

Pre-recorded material must not be used in a manner that can mislead. To this end

11/9/78

- When an entire story is reported on-scene, reporters should always record a sign-off at the scene of the story.

11/9/78

- When a reporter was on-scene, but sign-off is impossible and the narration is added at a different locale, the lead-in to the story should identify that the reporter had been at the scene of the report and the reporter should close by identifying the location from which he is feeding. (Example: "...has just come from...")

11/9/78

- When narration is provided at one location for material recorded at another location, and the reporter was not on-scene when the material was recorded, the identity of the reporter and the location from which the narration is being provided must be disclosed either in the lead-in by the anchor or in the sign-off by the reporter. The fact that the reporter was not on-scene when the material was recorded should be further clarified by carefully choosing the operative verb in the lead-in, i.e. John Doe now (describes) (narrates) (explains). Adherence to this practice will avoid the impression that the reporter reported from or was at, the scene of the story when, in fact, he/she did not.
- It is not permissible to report that the viewer or listener is being taken to a given location unless, in fact, a switch is made to that location at the time of the broadcast. Consequently, such a report is prohibited when the film or tape is being fed not from the original location but rather from the place of the broadcast.
- If a speech or statement is recorded either before or after its delivery before the group to which it was addressed, it should be clearly identified, when broadcast, as having been delivered specially for our cameras and microphones.
- When the use of recorded material in a live news broadcast gives the impression that the news event described in the recording is, in fact, taking place at the time of broadcast, the fact that the material is recorded must be disclosed immediately with its use if the element of time is of special significance.
- When a recorded report by a reporter is inserted in a live broadcast, avoid even the minor artifice of gestures or words by the reporter, at the end of his/her recorded report, that would indicate he/she is turning the broadcast back to the anchor.

Production Standards

Presidential Requests for Live Coverage* (10/16/78)

1. Presidential requests for live coverage of a Presidential speech will not be automatically granted. Instead, the Washington bureau should make every effort to obtain as full and explicit advance information as possible. Further, the Washington bureau should explicitly ask of the White House spokesperson whether the White House believes that the speech is of urgent importance to the American public. If the White House reply to our efforts is that the matter is one of national security, or foreign relations, or that there are other circumstances which make it undesirable in the national interest to release any advance information, we will accept that unless we have clear and explicit reasons which lead us to doubt.

2. Depending on the responses elicited pursuant to paragraph 1, these guidelines will be followed in determining the CBS decision whether to comply with a Presidential request for live coverage:

a) Where we have sufficient reliable information, or sufficient intelligence concerning the surrounding circumstances, to permit us to make a genuine news judgment that the speech should be carried live, we should, of course, do so.

b) Where we do not have sufficient advance information or intelligence to permit us to make such a news judgment, but nevertheless we are specifically told that the reason for the absence of advance information is national security or other national interest, or we are also specifically told that the speech is one of major importance to the American public, we should resolve the doubts in favor of carrying the speech live. But in such cases--that is, where it is not a matter of news judgment--we should, at the top of the broadcast, state that it is being broadcast pursuant to White House request and its assurance of urgency and importance.

c) Where we are provided with sufficient information to make a news judgment, and our judgment is that live coverage is not warranted, we shall nevertheless consider such coverage if the White House explicitly states that the speech is of urgent importance to the American public. In this instance, the determination will be made on a case-to-case basis, with weight given to the White House assurances of urgent importance. If the decision is to broadcast live, we should, at the top of the broadcast, state that it is being broadcast pursuant to White House request and its assurance of urgency and importance.

* Our policy governing Presidential requests for live coverage was developed in November of 1974 and was distributed to CBS News management at that time.

Production Standards

Presidential Reply Policy

Whenever the President speaks to the nation on radio or television on matters of major policy concerning which there is significant national disagreement, CBS will present a broadcast of other viewpoints related to those matters of major policy.

The length and format of, and the persons appearing on, such broadcast will be determined by CND in light of the relevant facts of the Presidential appearance. The broadcast will be scheduled as soon as practicable, but generally no later than one week after the President speaks.

CND will provide analyses immediately following broadcast appearances of the President and other persons of public importance when, in its news judgment, such service seems desirable and adequate preparation is feasible.

Production Standards

Public Safety Communications (10/1/79)

Public safety communications, such as police, fire, maritime or FAA radio transmissions, may not be monitored without prior authorization from the public agency or agencies involved. Public agencies are generally cooperative as they find that network television and radio broadcasts are helpful in disseminating information. The authorization may consist of a letter from the agency or it may simply be a memorandum to "File" after verbal approval has been secured. A copy of the letter or memorandum to "File" should be sent to the Law Department in New York for their records.

In addition, such public safety transmissions of public agencies, or the transmissions of privately-owned non-broadcast stations (such as amateur radio) may not be broadcast, either live or on a delayed basis, without prior authorization from the public agency or private station owner involved and the FCC. Authority from the FCC may be requested informally by telephone, to be followed within one week with a written confirmation accompanied by the written consent of the originating station. The Law Department should be consulted before any such authorization is sought.

Production Standards

Releases

Efforts should be made to obtain a signed release from each person who appears, as an interviewee or otherwise, in a public affairs broadcast and is recognizable in that broadcast by appearance or by voice.* A consideration of \$5.00 should be paid for each such release. Appropriate release forms can be obtained from the Vice President, Business Affairs. If the circumstances are such that it is not possible to obtain a signed release, the facts should be given to the Vice President, Business Affairs so that he can ascertain from the Law Department what problems, if any, may flow from the inclusion of that material in the broadcast. CND management will then determine whether the material in question should be used.

Ordinarily, releases are not required from persons who appear in hard news broadcasts. But, where such appearances involve the use of excerpts from entertainment programs, motion picture films, documentary broadcasts or similar sources, releases may be required to avoid contract, copyright or union problems. Consequently, the facts of any such proposed use should be given to the Vice President, Business Affairs so that he can ascertain from the Law Department whether releases are necessary.

* In those situations, however, in which a public affairs broadcast includes coverage of a parade, demonstration, or other public event, normally no releases would be required from any persons (included in the coverage of such public event) whose appearance in the public affairs broadcast, though recognizable, is merely incidental. If such appearance is more than incidental, the Vice President, Business Affairs should be given the facts for evaluation.

Production Standards

Sound and Sound Effects

Editing techniques may require the insertion, in a story with natural sound, of segments of the same story that (for technical reasons, such as, for example, equipment limitations) were filmed without sound. In those instances, sound may be added to maintain the continuity of the natural sound already established. But, any such addition of sound to maintain sound presence, (i) must be limited to the minimum required to achieve that objective and (ii) must use natural sound obtained at a time and place related to the story.

Sound effects may not be used with a silent film story to give the impression that the story was filmed with natural sound. However, actuality sound recorded at an event may be used with silent film of that event when the sound segments are compatible with the scenes being used.

Natural sound, whether on film or tape, may not be magnified or diminished from its actual level for the purpose of achieving a deliberate editorial effect. (For example, the level of applause may not be raised for the purpose of simulating a greater degree of enthusiasm than actually existed.) However, volume may be adjusted to meet technical requirements and the sound intelligibility of a story. (For example, if a question during a news conference is difficult to hear because it is off-mike, the volume may be boosted on playback so that the question can be heard clearly.)

Production Standards

10/15/81 Identification of News Sources

Introduction

Recently the credibility of news organizations has been tarnished by the abuses of a few reporters who, while claiming to rely on anonymous sources, were fabricating stories. Quite reasonably, these incidents have led to discussion by the public and journalists of the practice of using anonymous sources.

The CBS News Standards have for some time stressed the need for news personnel to proceed with great care when relying on anonymous sources. Experience tells us that there may be a variety of reasons why a source would refuse to provide a reporter with information if the source were identified in the story. Thus, quite often a source has concerns about possible reprisal from his superiors; at other times there may be a fear that identification might lead to political embarrassment. In each instance, critical journalistic judgments must be made as to whether and how the story should be used without identifying the source. The CBS News Standards recognize that while the use of anonymous sources is an indispensable newsgathering device, the practice must nonetheless be balanced against its potential for abuse, and should only be utilized when the source and information are highly reliable and when there is no other practicable way to report the information to the public.

Because we recognize that our most important asset as a news organization is the public trust, we have reexamined our existing standards. This review leads us to conclude that our basic standards are sound and that our news personnel have acted professionally in this most sensitive area. At the same time, as a responsible news organization, we believe it appropriate to strengthen and make more explicit our review procedures. Therefore, while it sometimes will be neither practical, necessary nor appropriate to require internal identification of an undisclosed source, our revised policy expressly provides that CBS News executive and editorial personnel have the discretion and the responsibility to request such information on certain occasions. We believe that the following standards and procedures will help to assure the continued accurate and prompt presentation of news to our audience.

Standards and Procedures

While the use of anonymous sources is an indispensable tool in newsgathering, the practice must be balanced against its potential for abuse and the public's right to essential information about a story. Reporters and producers should therefore recognize the need to provide as much information as possible without jeopardizing the source or relationship involved.

Anonymous sources should be used only when it is determined (1) that there is no other practicable way to obtain and report the information; (2) that the information is factual and of sufficient newsworthiness to warrant its use despite the fact that we cannot disclose the source; and (3) that the source and his information are highly reliable in the particular instance.

Where the use of an anonymous source is necessary, as much information as possible about the nature of the source should be provided to the audience, assuming, of course, that this information would not lead to disclosure of the source. Where the source may have a vested interest in the matter to be reported, it is especially important that information be provided as to the nature and/or motivation of the source.

Reporters and producers should understand that the private divulgence of the identity of a source to a CBS News executive (either the executive producer of the broadcast involved or a senior executive with responsibility for the broadcast) will be required where, in the discretion of such executive, such disclosure is necessary. Such disclosure will generally be for the purpose of evaluating whether and how a particular report should be broadcast, or whether additional verification from other sources is necessary. Where particularly sensitive reports are involved, such divulgence shall, as a matter of policy, be required by the responsible CBS News executive, with exceptions to be made only in rare circumstances and with the personal approval of the President of CND or by his designee in his absence.

CBS News has a long tradition of resisting the disclosure of confidential sources to outside parties and of supporting journalists in resisting outside demands for such disclosure. While the Supreme Court ruled in the 1972 case of Branzburg v. Hayes that journalists do not have an absolute privilege to refuse to reveal their sources, CBS News and other

news organizations have continued to fight -- both in the courts and in seeking remedial legislation -- for the broadest possible protection for sources and other non-broadcast information. We will continue to defend vigorously our First Amendment interests in this area to the maximum possible extent.

There may be occasions when a CBS News employee is threatened with legal action and/or jail for refusal to disclose a source. On such occasions, employees of CBS News have, of course, the right to decide to reveal the source since it is their personal liberty which may be at stake and CBS News cannot order them to risk going to jail or other punishment. But as a general principle, and one CBS News endorses, journalists fight to avoid naming sources, and in such cases, employees will have the full support of CBS News. Our policy is to provide journalistic counsel from officers of the News Division, legal counsel from the CBS Law Department, and, if the individual involved wishes outside counsel as well, CBS News will pay those attorneys' fees after consultation and agreement on the necessity, appropriateness, qualifications and fee arrangements of such counsel.

Other News Organizations

When the source is another news organization, it should be identified by name.

Production Standards

Staging

Staging is prohibited. CND broadcasts must be just what they purport to be. We report facts exactly as they occur. We do not create or change them. It is of the utmost importance, therefore, that these basic principles be adhered to scrupulously by all CND personnel:

- Say nothing and do nothing that may give the viewer or listener an impression of time, place, event or person which varies from the facts actually seen, heard and recorded by our equipment.

- It may be necessary, in occasional situations (e.g., a moon-walk simulation), to re-create an event for subsequent broadcast. In each such situation, however, (i) the fact that a re-creation is being broadcast must be made explicitly clear to the viewer or listener and (ii) the re-creation must be a faithful reproduction of the original event. Re-creations should be used sparingly.

These basic principles are expressed, necessarily, in broad language. Any doubts or questions as to their applicability to specific situations should be checked promptly with CND management. However, the guiding principle, always, is "when in doubt, don't." Producers, correspondents and reporters working with camera crews are responsible for the actions of the crews.

Any employee who has information indicating that this standard is being violated should submit it promptly to senior CND management.

Production Standards

Use of Non-CBS Personnel or Equipment

If, for CND production purposes, personnel and/or equipment are obtained from a non-CBS source, i.e., an affiliated station, an independent station or otherwise, the arrangements with the non-CBS source must include a clear understanding that CND will retain complete production control, that the personnel will be subject to CND direction and control, and that the equipment will be used as CND, in its discretion, determines. This policy is not applicable, of course, to those situations where the personnel and/or equipment are being utilized by an affiliated or independent station to cover a story on its own behalf with the understanding that CND will have secondary access to the results of that coverage.

Footage, recordings or other material obtained from stringers or other non-staff sources may be used* in CND broadcasts if the CND personnel responsible for such use are reasonably satisfied that the material is what it purports to be. If there is uncertainty about the accuracy of any such material, all pertinent circumstances, including an expression of such uncertainty, should be mentioned in the broadcast.

* Subject, of course, to the restrictions (page 21) on the use of hand-outs.

Personnel Standards

Acceptance of Free Transportation, Accommodations, Meals, Services or Other Gifts

The following general policy and implementing guidelines are applicable to all employees of CBS News, including its officers:

General Policy

- From the outset, CBS has adhered to the basic principle that news personnel must be free of obligations to any interest other than the interest of the public. Since credibility is essential to every news organization, the employees of CBS News must conduct themselves not only so as to avoid compromising their journalistic independence and integrity, but also so as to avoid the appearance of such compromise. It is recognized that specific guidelines cannot anticipate and cover all possible circumstances, distinctions and shadings in this complex area. And it is not intended that the guidelines inhibit employees to the point of foolishness such as, for example, refusal of a cup of coffee or anything equally insignificant. But the basic concept the guidelines seek to implement is clear: Employees may accept no favor, overt or otherwise, which can compromise their roles as newsmen or give the appearance of doing so. Questions as to the meaning or application of the guidelines must be resolved by employees with their supervisor.

Guidelines - Company-related Circumstances

- During the course of, or in connection with, a news assignment or the performance of any other news or news-related duty, employees shall not accept free transportation, accommodations, services or gifts (other than routine gifts of insignificant value). Business meals may be accepted, however, on an occasional and reasonable basis, if (i) the primary purpose of such meals is the maintenance of important news contacts or the eliciting of news information or background, and (ii) the situation is such that any effort by the employee to pay for the meal would be awkward.
- If transportation is necessary for the performance of a news assignment or a news or news-related duty, public carriers, and not private carriers, should be used. But, in those circumstances where private carriers must be used because public carriers are not feasible (such as, for example, sharing space with the

President and his staff in a Presidential plane during coverage of a Presidential trip), the employee should arrange for prompt payment to the private carriers of a sum equivalent to the commercial rate for the route traveled.

- There may be circumstances, however, where equivalent commercial rates are non-existent and non-ascertainable, e.g., a flight to an aircraft carrier or participation in a newsworthy demonstration trip of a prototype aircraft, train or other vehicle. In these circumstances, the limited free transportation involved may be accepted.

Guidelines - Non-Company-related Circumstances

- In general, personnel in their personal non-company-related activities should be guided by a vigilant awareness of their own responsibilities as journalists. Such awareness should include not only their own perception of a potential conflict of interest and potential diminution of their, and their organization's, integrity, but also the potential perceptions of others.
- Since it is not unusual for news personnel to have social relationships with the people concerning whom they report, or are reasonably likely to report, nothing in these guidelines should be construed to inhibit the normal and reasonable exchanges of social amenities. But the primary relationship between host and news personnel guest must genuinely be social and personal. If the news guest has any reason to believe that the host is acting in his (or her) business or professional, rather than personal, capacity, or that the host's employer or client is picking up the tab, he (or she) cannot accept any free meals, lodging, transportation, or other things. For whenever the relationship crosses over from social to business, the standards described elsewhere in these guidelines should be observed. If there is any doubt as to where social and business meet, the news personnel must assume that it is not genuinely social.
- Since correspondents and other news personnel may be in demand for appearances as lecturers, they may accept (but not from any governmental source) transportation, accommodations and a normal fee provided such considerations are given for legitimate services rendered (i.e., a lecture, panel appearance or discussion program with an audience). However, acceptance of transportation, accommodations or any other consideration for an appearance at a function or event where no such service is rendered is not permissible, since it constitutes an endorsement (implied or otherwise) of the event or the payer.

- If the nature of the sponsoring group or the timing of the invitation in any way suggests that the lecture invitation is designed to impress the newsperson with the group for its own purposes--a suggestion that implies a subtle means of influencing the newsperson --the invitation should not be accepted. The newsperson should recognize that groups or individuals seeking favors are not limited to governmental or business entities but also others who have interests in what news is reported. So called "do good" groups wish to influence news coverage as much as more obviously involved organizations.
- Participation in seminars or academic meetings should be measured as carefully as invitations to lecture. It is one thing for individuals and groups to want to share a newsperson's expertise; it is another for them to want the newsperson to share their point of view.
- No discounts of value, such as the so-called "press" or "promotional" discounts on automobiles, may be accepted from the manufacturer or distributor (except the retail discounts normally available to the general public).

Personnel Standards

Commercial Bribery

1. Acceptance of Anything of Value. No CND officer or employee shall accept from any third party anything of value, given or paid, for the purpose of influencing his or her decision
 - (a) to purchase, use or otherwise acquire for or on behalf of CBS, or any of its divisions or subsidiaries, any product, article, object or service; or
 - (b) to use, or cause to be used, as a stage property or otherwise to have included in or to appear on any broadcast, any product, article, object or musical selection; or
 - (c) to mention, or cause to be mentioned, on any broadcast the name of any product, article, object, service, individual, firm or company; or
 - (d) in any other way to act, or cause action, with respect to any broadcast or acquisition by or on behalf of CBS, or any of its divisions or subsidiaries.

The terms "given" and "paid" include not only the delivery or transfer to the employee, or any person or persons selected by the employee, of anything of value, but also the delivery to the employee, or any person or persons selected by the employee, of anything of value for his, her or their use even though such thing of value may ultimately be returned to the owner.

2. Payment of Anything of Value. No CBS officer or employee shall pay to any third party anything of value, given or paid, for the purpose of influencing such third party's decision
 - (a) to purchase, use or otherwise acquire any CBS product, article, object or service; or
 - (b) to use or cause to be used as a stage property, or otherwise to have included or appear on any program, any product, article, object or musical selection; or
 - (c) to mention or cause to be mentioned on any program the name of any product, article, object, service, individual, firm or company; or

- (d) in any other way to act, or cause action, with respect to any product, program, article, object or service of CBS.

The terms "given" and "paid" include not only the delivery or transfer to the third party, or any person or persons selected by him/her, of anything of value, but also the delivery to the third party, or any person or persons selected by him/her, of anything of value, for his/her or their use even though such thing of value may ultimately be returned.

3. Exception. The foregoing does not apply to the courtesies openly accepted or given as a part of the usual business or social amenities. A detailed standard dealing, among other things, with such courtesies begins at page 40.
4. Penalty for Violation. Any CND officer or employee who shall be found to be violating these rules shall be subject to discharge.

Limitations on Outside Activities

CND employees may not engage in outside activities which may, in any way, conflict with, or lessen the value of, their services to CND. To this end, and in addition to the exclusivity provided for in the individual employment arrangements, these policies have been adopted:

Outside Writing Activities

Employees are limited in their outside writing activities to occasional feature articles or books; hard news writing is not permitted even on an occasional basis; and, if the writings express opinions on controversial issues, the procedures set forth in the following paragraph will, of course, be applicable. Outside writings may not be used to break news stories which have not been first submitted to CBS News for broadcast.

Public Position on a Controversial Issue

Employees who, in their private capacity, take a public position on a controversial issue, including participation in a partisan political campaign, will either be removed from handling the news involving that issue or, if such reassignment is not practical, be required to take a leave of absence.* The rationale behind this policy is that an employee who takes such a public position loses, at a minimum, the appearance of objectivity.

11/23/77 Broadcast Activities

CND officers and employees may not participate (i) in billboards, commercial messages or lead-ins to commercial messages, or in any other activity which involves references to an advertiser's activities or products,** (ii) as a performer, actor or other participant in any form of entertainment, variety or talk show, (iii) in industrial films of any kind, or (iv) in broadcasts produced by anybody other than CBS News, other than genuine hard news or hard news interview broadcasts in which CND personnel are interviewed for hard news purposes. There may be special circumstances warranting exceptions to the limitation described in subdivision (iv), but such exceptions will be made only by the President of CND. Such exceptions will normally be limited to (a) outside broadcasts which are genuine documentary or public affairs broadcasts rather than "talk" or entertainment programs and the central purpose of the particular outside broadcast is to discuss journalistic issues and practices, or (b) promotional appearances on behalf of CND on broadcasts of CBS affiliates (see footnote p. 46).

* There may be circumstances where, because of organizational and/or assignment problems, either a leave of absence or a removal from assignment will not be practical and will deprive CND of the opportunity further to utilize the employee. In such circumstances it may be necessary to dismiss the employee - but all reasonable efforts will be made to avoid such dismissal by alternative assignments.

** There is one exception. Correspondents may participate in billboards and lead-ins to commercial messages on radio news broadcasts, but only to the limited extent of mentioning either the product or the sponsor without any descriptive material. Such product or sponsor mention may be unsuitable in some product categories and, in all cases, is subject to approval by CND management.

Conflicts of Interest

All CBS employees must avoid any conflict between their personal interests and the interests of CBS. Failure to do so may result in dismissal. A detailed statement of this policy is made available to each new CND employee. Copies of the statement can also be obtained from the Vice President, Business Affairs. Each employee will be held responsible for seeing to it that neither he nor she nor any member of his or her immediate family has any interest, or engages in any activity, which is in conflict with this policy. If an employee has any doubt as to whether any such interest or activity presents a conflict, the employee should report it to the chairman of the Conflicts of Interest Committee of the Board of Directors of CBS or to such other person as the Board of Directors may designate to receive such reports.

To insure the continued integrity of the sensitive news responsibilities of CND, an additional obligation has been imposed on all CND employees whose duties involve the exercise of news discretion. Each such employee, in addition to whatever disclosure responsibilities he/she has under the preceding paragraph, must report directly to the Senior Vice President of CND who supervises his or her activities any conflict, actual or potential between his or her duties and his or her outside business or financial interests or the outside business or financial interest of members of his or her immediate family. The report must be made promptly and prior to the performance of any duties which involve the conflict. The management of CND will then take such action as it considers appropriate in each such circumstance, including reassignment of the employee and on-the-air disclosure of the conflict.

Securities Transactions (10/1/79)

Reporting may involve coverage of specific corporations. During the course of such reporting, CBS News personnel may become "insiders" by learning of sensitive information not previously disclosed to the public, the disclosure of which might affect the price of a corporation's securities. In addition, even when public information relating to a corporation is presented in a CBS News investigative report, that presentation may have a significant effect on the public's perception of that corporation and possibly on the value of the corporation's securities.

Use of any such information by CND personnel for private gain, or disclosure of non-public information concerning a corporation other than in a news or public affairs broadcast, is clearly improper and could impair CBS News' reputation for fairness and could result in potential civil and/or criminal legal consequences. Such practices will not be condoned.

Even after information concerning a corporation has been disclosed in a CBS broadcast, legal restraints may still exist for a reasonable period after the broadcast on the trading in securities of that corporation by news personnel involved in the broadcast. The purpose for these restraints is to allow sufficient time for the dissemination of information to insure its availability to all parts of the investing public and to provide all investors with an equal opportunity to make informed investment judgments.

Company policies suggest three trading days as a minimum period after public disclosure of information before CBS personnel who might be considered "insiders" may buy, sell or trade securities. However, the obvious sensitivities involved in trading of a corporation's securities by CBS News personnel who are involved in the reporting on that corporation, may warrant refraining from securities

transactions for a longer period. Any questions regarding the applicability of this policy to specific factual situations should be addressed to the President of CND who, in turn, may consult with the Law Department in appropriate circumstances.

(For background information see Policy Note from the President, dated November 22, 1978, which deals with the insider trading issue more generally.)

Lectures and Personal Appearances

Lectures and personal appearances may not be scheduled at such times, or with such frequency, or on such terms, as to conflict with or impair the obligations of the employee to CND including the employee's availability for assignment by CND. In addition, the procedures described above in the paragraph entitled "Public Position on a Controversial Issue" and the policies on pages 41 and 42 which deal with lectures and personal appearances will be fully applicable.

Assignments for Other CBS Divisions

Such assignments may not be accepted without the prior approval of the President of CND.

Testimonials and Endorsements

11/1/76

Employees, whether or not they receive payment therefor, may not participate in testimonials for, or endorsements of (i) products, services, industries or companies or (ii) causes, no matter how worthy or non-partisanship or (iii) publications, of any kind, including books, without the prior approval of the President of CND or the President's designee.*

Service to Government Agencies

Employees (staff, per diem, stringer or other) may not, during their employment by CBS News, be employed by, or perform services of any kind for, any government agency, domestic or foreign.

Outside Disposition of Newsworthy Information

Any newsworthy information (written or otherwise) obtained by an employee must be transmitted promptly to CND. The employee may not make any part of such information available to anybody other than CND without the prior and specific approval of the President of CND.

* But they may participate in promotional activities on behalf of CND broadcasts and the news broadcasts of CBS affiliates.

Personnel Standards

Personal Involvement in a Story That Is Being Covered

CND personnel who are covering a news event must not participate in that event in any way or for whatever reason. Our responsibility is to report and record news events - and not to initiate or shape them.

Outside Requests for CND As-Broadcast or Outtake Material*

General

CND maintains libraries in which it stores many, but not all, CND broadcasts, transcripts of broadcasts, excerpts from CND hard news broadcasts, film, tape and audio outtakes and related written matter. Much of that material is available for outside examination or use. But, since each outside examination or use is subject to specific and varying restrictions, it is essential that all requests for any such examination or use be referred promptly, and without commitment, to the responsible CND executive. Requests from Armed Forces Radio and Television Services, Radio Free Europe and the United States Information Agency should be referred to the Vice-President, Business Affairs. Various other requests and the responsible CND executive in each situation are described in the following pages. Requests which are not described on this page or on the following pages should be referred to the Vice-President, Administration.

* An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) which has been included either in a CBS broadcast or in the CND news syndication package or in a closed circuit radio newsfeed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material including scripts, notes and background material.

Governmental or other fact-finding inquiries (other than litigation) in which CND is not directly involved

Each outside request to examine or use as-broadcast or outtake material in connection with any such inquiry should be referred immediately to the Archivist. He/she will transmit the request to the Law Department promptly and will inform the President of CND (or the President's designee). Each request will be considered and resolved in the light of the specific facts and these general policies:

- as-broadcast material may be made available for examination by a party to the inquiry; a subpoena will not be required. Additionally, subject to appropriate restrictions, transcripts of as-broadcast material which are being routinely made available to members of the public upon request may be furnished for use in the inquiry. Where as-broadcast materials are not generally available to the public, they may be furnished for use in the inquiry, but only pursuant to a valid subpoena. If, however, the requesting party does not have subpoena power, the requirement for such a subpoena may be waived at the discretion of the President of CND. In exercising this discretion the following criteria should be among those considered: (i) the nature of the inquiry; (ii) whether what is requested is essential to the establishment of facts pertinent to the inquiry; (iii) whether compliance would in any way impair CND ability to obtain such news material in the future.

* An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) that has been included either in a CBS broadcast or in a CND news syndication package or in a closed circuit radio news feed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material, including scripts, notes and background material.

--outtake material will not be made available for examination or furnished for use by a party to the inquiry, unless such examination or use is specifically approved by the President of CND; and the President will give such approval only (i) if he/she determines (after consultation with the Law Department) that providing such material is clearly required by law or (ii) if the President determines that doing so is required by urgent considerations of national security or a threat to human life or (iii) if the President determines that the material falls within the exceptions described in the footnote below.* Although no subpoena is required for examination of such outtake material, no outtake material will be furnished for use except pursuant to a valid subpoena.

--each examination of CND material must be on CBS premises and will be subject to the availability of the requisite technical facilities and personnel. Standard costs will be charged for any examination or use of the material.

* Outtake material may be made available for outside examination and, if it does not include the voices or appearances of CBS reporters, for outside use if it is (i) clearly neutral material, e.g. establishing shots of a city skyline, or (ii) non-controversial, non-news related and cultural, e.g. footage of the Florentine frescos, or (iii) of profound historical or cultural interest, many years old and released by the President of CND for general use.

Litigation in which CND is not directly involved

Each outside request to examine or use as-broadcast or outtake material, in connection with any pending or imminent civil or criminal litigation, should be referred immediately to the Archivist. The Archivist will transmit the request to the Law Department promptly and inform the President of CND (or the President's designee). Each request will be considered and resolved in the light of the specific facts and these general policies:

10/1/79

- as-broadcast material may be made for examination by a party to the inquiry; a subpoena will not be required. Additionally, subject to appropriate restrictions, transcripts of as-broadcast material which are being routinely made available to members of the public upon request may be furnished for use in the litigation without a subpoena. Where as-broadcast materials are not generally available to the public, they may be furnished for use in the litigation, but only pursuant to a valid subpoena.
- outtake material will not be made available for examination by a party to the litigation or furnished for use in the litigation, unless such examination or use is specifically approved by the President of CND; and he/she will give such approval only (i) if he/she determines (after consulting with the Law Department) that providing such material is clearly required by law or (ii) if he/she determines that doing so is required by urgent considerations of national security or a threat to human life or (iii) if he/she determines that the material falls within the exceptions described in the footnote below.** Although no subpoena is required for examination of such outtake material, no outtake material will be furnished for use in the litigation except pursuant to a valid subpoena.

* An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) that has been included either in a CBS broadcast or a CND news syndication package or in a closed circuit radio news feed to affiliates.

"Outtake material" means all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material, including scripts, notes and background material.

** Outtake material may be made available for outside examination and, if it does not include the voices or appearances of CBS reporters, for outside use if it is (i) clearly neutral material, e.g. establishing shots of a city skyline, or (ii) non-controversial, non-news related and cultural, e.g. footage of the Florentine frescoes, or (iii) of profound historical or cultural interest, many years old and released by the President of CND for general use.

- each examination of CND material must be on CBS premises and will be subject to the availability of the requisite technical facilities and personnel. Standard costs will be charged for any examination or use of the material.

Outside Requests for CND As-Broadcast or Outtake Material*

Litigation or fact-finding inquiries (governmental or other) in which CND is directly involved

Each outside request to examine or use CND material, in connection with any such litigation or inquiry, should be referred immediately to the Archivist. He/she will promptly inform and consult with the appropriate CND executives and, at the same time, transmit the request to the Law Department for appropriate guidance. Standard charges will be made for any such examination or use of the material.

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- * An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) which has been included either in a CBS broadcast or in the CND news syndication package or in a closed circuit radio newsfeed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material including scripts, notes and background material.

Outside Requests* for CND As-Broadcast or Outtake Material

Requests (from government or private sources) for the names of, or interviews with, CND personnel involved in the coverage of events under investigation

When such a request is directed to CND, as opposed to the specific employee involved, these procedures must be followed:

- The request should be transmitted immediately to the Vice President, Administration.
- He/she will then review the request with the Law Department. Among the factors considered in this review will be (i) the nature of the inquiry, (ii) whether what is requested is essential to the establishment of facts pertinent to the inquiry, and (iii) whether compliance with the request would in any way impair our ability to obtain such news stories in the future.
- If a determination is made to comply with a request for names, the outside investigator will be asked to obtain and serve a subpoena.
- If a determination is made to comply with a request to arrange interviews, the investigator will be referred to the employee in question.

When requests for interviews are directed to the specific employees involved:

- An appropriate CND officer should be informed promptly of each such request.
- The employees must decide for themselves, as a matter of individual responsibility, whether, and under what circumstances, and the extent to which, they will comply with the request.
- Since outside investigations may involve issues and principles which are important to CND, it is desirable, from the viewpoint of CND, (i) that employees request the service of a subpoena before giving any information, and (ii) that employees be accompanied at the interview by a CND representative. These steps are not compulsory, however. They lie, instead, within the voluntary discretion of the employees.

* An "outside request" is any request other than one by a CBS broadcast division.

Outside Requests* for CND As-Broadcast or Outtake Material

Complete Broadcasts

Outside requests for complete CND broadcasts usually involve either direct projection uses before nonpaying audiences, such as schools, colleges and organizations, or non-CBS broadcast uses, i.e., domestic or foreign syndication broadcasts. Many, but not all, CND documentary and special broadcasts are available for such uses subject, however, to varying contractual, legal, policy and other restrictions.

Requests involving litigation, governmental and other fact-finding inquiries and political uses should be referred to the Archivist. All other requests should be referred to the Vice President, Resources Development and Production. It should be noted that:

- unless otherwise specifically authorized by the CND Vice President under whose supervision the broadcast was produced, the outside user must exhibit it in its entirety, without editing.
- established foreign news and documentary broadcasters may be permitted, if the essential balance and validity of the broadcasts are maintained, (i) to delete portions of CND broadcasts which are not pertinent to, or readily understandable by, their audiences; (ii) to interpolate explanatory material essential for their audiences and (iii) to edit for purposes of time. Where any such editing is permitted, CND will require that notice of the editing be included in the edited broadcast.
- theatrical exhibition, i.e., direct projection exhibition before paying audiences, presents special rights and union problems and is rarely feasible.
- licenses for nontheatrical exhibition, i.e., direct projection exhibition before nonpaying audiences are issued, for prescribed fees, by the CBS/Publishing Group or by outside distributors employed by it. In those occasional situations (determined by the Manager, Archives Information or by the Vice President, Resources and Development Production) when it is considered feasible and desirable to permit free nontheatrical use, arrangements for temporary loans of prints are handled by the Manager, Archives Information.

* An "outside request" is any request other than one by a CBS broadcast division.

Outside Requests for CND As-Broadcast or Outtake Material*

Excerpts from Documentary or Special Broadcasts

All outside requests to examine or use as-broadcast excerpts from documentary or special broadcasts should be referred to the Archivist.

They will generally be denied (unless otherwise specifically authorized by the President of CND or the President's designee) except that request involving litigation (pages 52, 54), political requests (page 61) or governmental or other fact-finding inquiries (pages 50, 54) will be handled as described on the indicated pages.

A complete story from a magazine broadcast (e.g. 60 MINUTES) will be deemed a complete broadcast for these purposes and may, therefore, be made available for outside use on the same terms as those applicable to complete broadcasts (see page 56).

10/1/79

Permission to use excerpts (including those with appearances by CBS News reporters or correspondents) from documentary or special broadcasts before or after airing of such broadcasts shall generally be granted for inclusion in reviews of CBS News broadcasts by other networks or stations, subject to the approval of the President of CBS News or the President's designee.

* An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) which has been included either in a CBS broadcast or in the CND news syndication package or in a closed circuit radio newsfeed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material including scripts, notes and background material.

Outside Requests for CND As-Broadcast or Outtake Material*

Excerpts from Hard News Broadcasts

All outside requests to examine or use as-broadcast excerpts from hard news broadcasts should be referred to the Archivist. Generally, in the absence of contract, union, rights or other such problems, he/she will approve them subject to these provisos:

- there are specific restrictions which are applicable to requests involving litigation (pages 52, 54), governmental or other fact-finding inquiries (pages 50, 54) and political uses (page 61).
- in the absence of specific approval by the President of CND, neither the appearance nor the voice of a CND reporter may be included in the footage as and when it is used by the purchaser. Such approval has been given with respect to occasional stories included in the CND news syndication package.**
- footage, as and when it is used by the purchaser, may not be credited to CND without the prior written approval of the Archivist.
- footage of identifiable persons will be available only for news or documentary uses, unless otherwise specifically authorized by the identifiable persons; it would not be permissible, for example, to authorize the use of any such footage in commercials.
- standard charges will be made for the examination or use of such excerpts. But, if a purchaser wishes to acquire more than a nominal amount of footage, the Archivist will refer him to the Vice President, Resources Development and Production for the negotiation of a special arrangement.

10/1/79 Notwithstanding the above provisos, permission to use excerpts (including those with appearances by CBS News reporters or correspondents) from hard news broadcasts after airing of such broadcasts shall generally be granted for inclusion in reviews of CBS News broadcasts by other networks or stations, subject to the approval of the President of CBS News or his designee.

* An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) which has been included either in a CBS broadcast or in the CND news syndication package or in a closed circuit radio newsfeed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material including scripts, notes and background material.

** In addition, affiliated stations may acquire the right to use in their news broadcasts excerpts which involve the appearances and/or voices of CND reporters.

Outside Requests for CND As-Broadcast or Outtake Material*

Outtake Material

All requests for outtake material should be referred to the Archivist immediately. He/she will discuss them promptly with the President of CND and the Law Department.

Outtake material is not generally available for outside examination or use and, except as set forth below, it will not be made so available without prior, specific authorization by the President of CND (or the President's designee). The procedures applicable to requests made in connection with litigation (pages 52 and 54), governmental or other fact-finding inquiries (pages 50 and 54)) and political uses (page 61) are detailed on the indicated pages.

Outtake material may be made available, at standard charges, for outside examination and, if it does not include the voices or appearances of CBS reporters, for outside use, if it is (i) clearly neutral material, e.g. establishing shots of a city skyline, or (ii) non-controversial, non-news related and cultural, e.g., footage of the Florentine frescoes, or (iii) of profound historical or cultural interest, many years old and released by the President of CND for general use.

* An "outside request" is any request other than by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) which has been included either in a CBS broadcast or in the CND news syndication package or in a closed circuit radio newsfeed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material including scripts, notes and background material.

Outside Requests* for CND As-Broadcast or Outtake Material

Requests to record CND broadcasts off the air

All such requests should be referred to the Vice President, Business Affairs. These are typical requests and the disposition generally made of them:

- requests from individuals to record our broadcasts for their personal use; these requests will be denied.
- requests from educational institutions to record our broadcasts for closed-circuit retransmission to, or direct projection in, classrooms; CND grants non-exclusive licenses to educational institutions, private or public, to make off-the-air videotape recordings of the CBS Morning News, the CBS Evening News and the CBS Weekend News for in-school educational and instructional use with no editing other than the deletion of commercials**; requests to record other broadcasts off the air will be denied.
- requests from military installations to record our broadcasts for rebroadcast, within the installations, by closed-circuit; the President of CND may, in his/her discretion, approve such requests if the military installations obtain all requisite releases and indemnify us appropriately.
- requests from noncommercial, low power, college radio stations to pick up CRD broadcasts from the nearest affiliate; all such requests will be transmitted to CRD by the Vice President, Business Affairs. Generally, CRD will grant such requests, subject to specific restrictions.

* An "outside request" is any request other than one by a CBS broadcast division.

** In addition, CND delivers to the National Archives a videocassette of every CND regularly scheduled and special hard news television broadcast to be copied and distributed by the Archives, for research use, in the Archives in Washington, in regional branch archives, in Presidential libraries and (on a request basis under the American Library Association Interlibrary Loan Code) in public, university and other libraries around the country.

Outside Requests for CND As-Broadcast or Outtake Material*

Political Requests

Requests, by or on behalf of political candidates or parties, to acquire the right to use as-broadcast or outtake material, should be referred to the Archivist who will determine, in conjunction with the Law Department and the appropriate CND executives, the extent to which such requests may be complied with. Each request will be considered in the light of the specific facts and these general policies which are applicable at all times and not merely during political campaigns:

- as-broadcast material (other than excerpts from documentary or special broadcasts) which does not include the voice or appearance of a CBS reporter may be licensed for broadcast or direct projection use.
- as-broadcast material which includes the voice or appearance of a CBS reporter may not be licensed except that FACE THE NATION may be licensed to the interviewee for direct projection use in its entirety before nonpaying audiences.
- outtake material may be licensed only if such material does not include the voice or appearance of a CBS reporter and is either (i) clearly neutral material, e.g., establishing shots of a city skyline, or (ii) noncontroversial, nonnews related and cultural, e.g., footage of the Florentine frescoes, or (iii) of profound historical or cultural interest, many years old, and released with the specific approval of the President of CND.
- standard charges should always be made for any examination or use of CND material.

In each Presidential election year the Law Department prepares a "CBS Statement of Policy on Political Broadcasting" which discusses various aspects of this complicated subject.

* An "outside request" is any request other than one by a CBS broadcast division.

"As-broadcast material" is any film footage, video tape footage or audio tape footage (and transcripts thereof) which has been included either in a CBS broadcast or in the CND news syndication package or in a closed circuit radio newsfeed to affiliates.

"Outtake material" is all non-broadcast material, including film footage, video tape footage, audio tape footage (and transcripts thereof), and written material including scripts, notes and background material.

Outside Requests* for CND As-Broadcast or Outtake Material

Outside requests for information, prior to air, about CND broadcasts or related CND material

All such requests should be referred to the CND Vice President under whose supervision the broadcast is produced. Generally, all such requests will be denied except that

- Sponsors or prospective sponsors will be permitted to view or hear, as the case may be, (i) any CND broadcast at the time when it is being transmitted by closed circuit to the affiliates, and (ii) a noncontroversial CND broadcast at any time after its completion. In no event, however, will a sponsor or a prospective sponsor be permitted to have any influence on the contents of a CND broadcast or on whether it is aired. CND will be solely responsible for the content of each broadcast produced by it.
- CND will permit reviewers, shortly before the scheduled air dates, to view or hear, as the case may be, any CND broadcasts in which the press may be interested, other than those dealing with hard news.
- In addition, the CND Vice President under whose supervision a broadcast is produced may, in circumstances he/she considers appropriate, comply with outside requests for, or voluntarily release a brief general description of, the subject matter of a forthcoming broadcast, the personnel involved and the approach.

* An "outside request" is any request other than one by a CBS broadcast division.

Transcript of Broadcast

Requests, from newspapers or magazines, for transcripts of CND broadcasts should be referred to the CND Director of Information Services. Usually, if transcripts suitable for outside use are already available or are being routinely prepared, she/he will honor each such request and authorize the publication to reprint up to 250 consecutive words from the transcript. Requests to reprint lengthier excerpts or nonconsecutive words will be considered and resolved on an ad hoc basis.

Requests for transcripts to be used for litigation (pages 52, 54) or governmental or other fact-finding inquiries (pages 50, 54) will be handled as described on the indicated pages.

Requests for transcripts for personal review and reference only, and not for any other use, should be referred to the CBG Director of Audience Services. Such requests will usually be approved but only if transcripts suitable for that purpose are already available or are being routinely prepared. Each transcript forwarded in compliance with any such request, will be accompanied by a specific written prohibition against any publication or use other than personal review and reference. No charge will be made.

All other requests for transcripts (including requests for political uses) should be referred to the CND Manager, Archives Information. Any such request which involves a commercial use, e.g., a request for permission to use all or part of a transcript in a book, will be discussed by the Manager, Archives Information with the CND Vice President, Resources Development and Production to determine what charge, if any, should be made. Frequently, no charge will be made. But, in each case, appropriate attribution will be required, and excerpting which distorts the meaning of the broadcast will not be permitted.

* An "outside request" is any request other than one by a CBS broadcast division.

Outside Requests* for CND As-Broadcast or Outtake Material

Transcript of Interview

If a CND interview is used, in part or in whole, in a documentary broadcast (including 60 MINUTES), and if the interviewee so requests, a transcript of the entire interview (but not a video tape, audio tape or film thereof) will be made available directly to the interviewee after the broadcast. Any such request should be referred promptly to the CND Vice President under whose supervision the broadcast was produced. He/she will arrange for the request to be complied with even if it appears that litigation or the assertion of a claim against CBS is a possibility. In the latter event, however, he/she will promptly inform the Law Department.

* An "outside request" is any request other than one by a CBS broadcast division.

as phraseology to be avoided, what kinds of questions or reports might tend to exacerbate the situation, etc. Any such recommendations by established authorities on the scene should be carefully considered as guidance (but not as instruction) by CBS News personnel.

- (5) Local authorities should also be given the name or names of CBS personnel whom they can contact should they have further guidance or wish to deal with such delicate questions as a newsman's call to the terrorists or other matters which might interfere with authorities dealing with the terrorists.
- (6) Guidelines affecting our coverage of civil disturbances are also applicable here, especially those which relate to avoiding the use of inflammatory catchwords or phrases, the reporting of rumors, etc. As in the case of policy dealing with civil disturbances, in dealing with a hostage story reporters should obey all police instructions but report immediately to their superiors any such instructions that seem to be intended to manage or suppress the news.
- (7) Coverage of this kind of story should be in such overall balance as to length, that it does not unduly crowd out other important news of the hour/day.

Production Standards

Editing

The objective of the editing process is to produce a clear and succinct statement which reflects fairly, honestly and without distortion what was seen and heard by our reporters, cameras and microphones. The achievement of this objective requires careful news judgments geared to the individual facts of each situation. These basic standards, developed over the years, should assist you in making those judgments:

1. If the answer to an interview question, as that answer appears in the broadcast, is derived, in part or in whole, from the answers to other questions, the broadcast will so indicate, either in lead-in narration, bridging narration lines during the interview, or appropriate audio lines.
2. If more than one excerpt from a speech or statement is included in a documentary broadcast, the order of their inclusion in the broadcast will be the same as the order of their inclusion in the speech or statement, unless the broadcast specifically indicates otherwise.
3. The standards covering the use of reaction and reverse shots are covered on Page 22, under standards for Interviews. These standards apply with the same force in the editing room as they do in the field when the interview is conducted.

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Production Standards

Editorializing

With several limited exceptions, the expression of editorial viewpoints by CND personnel in news and public affairs broadcasts is prohibited. These are the exceptions: (i) year-end (or other) news roundup broadcasts, or personal debriefing broadcasts, in which the reporters have been asked to express their personal opinions as well as to report on news developments; this fact must be clearly stated and the opinions must be clearly identified as such; (ii) broadcasts involving criticism of the arts and (iii) sports broadcasts in which the reporters express editorial opinions within the range of their specialties and expertise.

Production Standards

Electronic Eavesdropping*

In General

The law governing the use of electronic eavesdropping equipment, including the use of hidden cameras, is complex. The Federal Communications Act, the Rules and Regulations of the FCC, federal and state criminal statutes and laws relating to the rights of privacy (which may differ in the various states) all must be considered. The following discussion of the applicable law will outline those situations where electronic eavesdropping is legal, those situations where electronic eavesdropping is illegal, and those situations where electronic eavesdropping may or may not be legal, depending on the factual circumstances. CND personnel may not engage in electronic eavesdropping which, as indicated below, is illegal. Where there is any degree of uncertainty as to the legality of the proposed activity, prior approval must be obtained from the President of CND or the President's designee who, in turn, will consult with the Law Department.

I. Hidden Cameras

- a) Public and Semi-Public Places - The use of hidden cameras is permissible in public or semi-public places. Thus, it is proper to use such cameras to surreptitiously film or record transactions or events occurring in streets, public parks, and public buildings. Similarly, restaurants, theaters and stores are semi-public places where hidden cameras may be used. Nevertheless, there are some limitations. Hidden cameras should be used to film only such events as can readily be seen by other persons in the public or semi-public place. Additionally, in certain instances, persons in public or semi-public places do not necessarily consent to public exposure. For example, although a movie theater is a semi-public place (and persons coming in and out of a lobby may be filmed) difficulties might be presented if a person's reaction during a movie, such as "The Exorcist" were filmed by special cameras, since a person sitting in a darkened theater does not subject himself to public view.
- b) Private Places - Under certain limited circumstances, hidden cameras may be used to surreptitiously film events in private places. Thus, for example, it may be proper to film events occurring in the hotel room, home, or office of a CBS employee. But it is improper to film secretly

* As used in this standard, "electronic eavesdropping" means (i) the surreptitious use of hidden cameras and (ii) the surreptitious interception (by wireless microphones, other electronic devices, or otherwise) of oral or wire communications.

without permission in the home, office or hotel room of the unsuspecting subject or in other such places where he or she has a right of privacy. Since this is a particularly complex area of the law, the Law Department should be consulted before hidden cameras are used in private places.

- c) Where The Nature of The Place Is Not Clear - If it is not absolutely clear that the place is public or semi-public, then, in the absence of contrary advice from the Law Department, it is essential that we proceed on the assumption that the place is private.

II. Recording Telephone Conversations With A Radio Device

If a radio device (e.g. the insertion of a miniature wireless microphone inside a telephone mouth-piece) is used to record a telephone conversation, Federal requirements make it necessary to obtain the consent of all the parties to be conversation. In the absence of such consent, the conversation may not be recorded.

III. Recording Telephone Conversations With A Non-Radio Device And With No Intent To Broadcast

The Federal law is clear. But the laws of the various states differ sizably. Consequently, no such recording should be made without prior approval from the President of CND (or the President's designee) in consultation with the Law Department. These, briefly, are the applicable legal requirements:

- a) Under Federal requirements, such a recording requires the prior consent of one party to the conversation and that party may be a CBS employee.
- b) In some states, however, such a recording requires the prior consent of all parties. And, in other states, the use or divulgence of information, even though its interception was legal, requires the consent of all parties.
- c) Under telephone company tariffs, the use of a beeper tone device during a recording may be required in some circumstances.

IV. Recording Telephone Conversations For Broadcast Purposes

Under Federal requirements,* if a telephone conversation is recorded for subsequent broadcast or is broadcast simultaneously with its occurrence, the explicit consent of all parties to the conversation must be obtained prior to the recording regardless of whether a radio or non-radio device is utilized.

V. Recording Or Overhearing Oral Conversations With Radio Devices (Directly or Indirectly**)

- a) Public and Semi-Public Places - Under Federal requirements, the use of radio devices (e.g. wireless mike) to record or overhear conversations in public and semi-public places is not prohibited and the consent of the parties to the conversation is not required if the persons being recorded or overheard are within earshot of the CBS employee. Streets, restaurants, parks, sports arenas and theaters*** are examples of public or semi-public places. Thus, under Federal law, where a CBS employee is a party to a conversation, in a public or semi-public place, the consent of the other party is not required; and, if the CBS employee is not a party to the conversation, but is within earshot of it, the consent of none of the parties to the conversation is required. However, the laws of some states (not including New York, California, Missouri, or the District of Columbia) require the prior consent of all parties to the conversation that is being surreptitiously intercepted. Consequently, even though Federal requirements have been complied with, there should be no such interception in states other than New York, California, Missouri or the District of Columbia without the prior approval of the President of CND (or the President's designee) in consultation with the Law Department.
- b) Private Places - Under Federal requirements (and also under the laws of some states), if a radio device is used to surreptitiously record or overhear a conversation occurring in a private place, the prior consent of all parties to the conversation must be obtained. Thus, the interception by a radio device of a conversation occurring between a CBS employee and an interviewee in the interviewee's home requires the prior consent of the interviewee. Similarly, the interception by a radio device of a conversation occurring in a car, a hotel room, or an office, requires consent of all the parties to the conversation.

* There is one exception. Under FCC Rules explicit consent is not necessary where the other party originates a telephone call in connection with a broadcast in which telephone conversations are customarily broadcast.

** The use of a radio device to relay an intercepted oral communication originally picked up by a non-radio device is an indirect interception by the radio device.

*** See discussion with respect to theatres in paragraph I.

- c) Where The Nature of The Place Is Not Clear - If it is not absolutely clear that the place is public or semi-public, then, in the absence of contrary advice from the Law Department, it is essential that we proceed on the assumption that the place is private.

VI. Recording or Overhearing Oral Communications With Non-Radio Devices

- a) Public and Semi-Public Places - The use of non-radio devices (such as a miniature tape recorder in an attache case) to surreptitiously intercept conversations occurring in public or semi-public places is subject to the same laws and procedures as those summarized in paragraph V a.
- b) Private Places - Federal law permits the surreptitious interception of a conversation in a private place by a non-radio device so long as one party to the conversation has consented (or the person making the recording is a party to the conversation). But some states require the consent of all parties. In other states, disclosure of the contents of the intercepted conversation, even though the interception was legal, requires the consent of all parties to the conversation. Consequently, there should be no interception without the prior approval of the President of CND (or the President's designee) in consultation with the Law Department.
- c) Where The Nature of The Place Is Not Clear - If it is not absolutely clear that the place is public or semi-public, then, in the absence of contrary advice from the Law Department, it is essential that we proceed on the assumption that the place is private.

Production Standards

Equal Time

-- Under Section 315 of the Communications Act of 1934, if free time is given to a legally qualified candidate for any public office, equal time (with several exceptions*) must be made available, upon timely demand, to every legally qualified candidate for the same office.

-- To facilitate compliance with this and other requirements, the CBS Law Department prepares, and updates as necessary, a "Statement of Policy on Political Broadcasts." This statement, which includes a detailed analysis of Section 315, is widely distributed, at the executive and production levels, to all CND personnel who are responsible for editorial decisions in this area. The CBS Law Department is readily available to answer any questions which may arise. The CND Vice President, Administration, is available to act as liaison with the Law Department.

-- CBS believes strongly that Section 315 imposes an unnecessarily inhibiting limitation on meaningful coverage of political campaigns by the broadcast media. It has, therefore, spearheaded an effort, over the years, to repeal Section 315. That effort produced a temporary suspension in 1960 which, in turn, made possible the historic broadcasts of the Nixon-Kennedy debates. It also produced a modification of Section 315 which abrogated the equal time requirements with respect to specified* news broadcasts.

-- The equal time requirement is applicable only to appearances by political candidates. It has no application to the fairness doctrine i.e., there is no obligation, under the fairness doctrine, to give equal time to individuals, organizations or issues. This distinction is frequently misunderstood.

* Section 315 does not apply to appearances by political candidates in (i) a "bona fide newscast," or (ii) a "bona fide news interview," or (iii) a "bona fide news documentary (if the appearance of the candidates is incidental to the presentation of the subject or subjects covered by the news documentary)," or (iv) "on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto)."

Production Standards

Fairness Doctrine[®]

-- Under FCC requirements "a reasonable opportunity" must be provided for the broadcast of "contrasting viewpoints on controversial issues of public importance."

-- Historically, the principle of fairness has been the cornerstone of the policies governing CND broadcasts. In a speech on May 25, 1954, entitled "The Road to Responsibility," which discussed "the broadcaster's role and responsibilities in the field of news and public affairs" and the ground rules CBS had developed over the years for "the exercise of its vital functions" in that field, Mr. Paley stated:

"As has become apparent, the principle of fairness and balance is the cornerstone of our news and public affairs policy, as it should be of any broadcaster. I want to point out, however, that this principle cannot be reduced to a mathematical formula or even to a set of rigid rules which are self-executing and will cover all the possible circumstances. In the free American broadcasting system, fairness and balance must be maintained through the exercise of fair and courageous judgment by the station or the network management."

-- CND achieves its objective of fairness by offering reasonable opportunities, over a period of time,^{**} for significant viewpoints on controversial issues of public importance to be heard in its broadcasts. The achievement of this objective is, and must continue to be, a continuing goal of all CND personnel. Complaints that fairness has not been achieved are referred immediately, by CND management, to the CBS Law Department for a careful and prompt review. Any action dictated by these reviews is taken promptly.

[®] CBS, along with many others, has called for the elimination of the fairness doctrine on the ground that the government has no legitimate role to play in reviewing the performance of the broadcast press.

^{**} The fairness doctrine does not require that each program present contrasting views on an issue; only that a licensee in its overall programming afford reasonable opportunity for presentation of contrasting viewpoints.

Free Press - Fair Trial

When reporting news of crimes, criminal suspects and related legal proceedings, it is essential that we strike a fair and reasonable balance between the need of the public to be informed and the effect upon the judicial process of publicity which may possibly be prejudicial. The following standards of self-restraint have been adopted to assist us in this effort:

There are clearly some circumstances where what we report in the way of crime news can result in a most serious miscarriage of justice. For example, if, prior to a trial, we detail the confession of the defendant or his/her prior police record, or present detailed "evidence" (interviews with people who allege that they have seen things or know things which establish the defendant's guilt), the result can well be that the courts will say that the defendant cannot get a fair trial. This is because the jurors, under our Anglo-Saxon system of jurisprudence, must render their verdict only on the basis of the evidence they hear in court. They cannot be infected by evidence that they have read or seen or heard outside the court - else the defendant is deprived of a fair trial. Again, for example, a defendant's prior police record is normally not permitted to be introduced as evidence in a trial - certainly not where the defendant does not take the stand. Similarly, we know that under Supreme Court decisions over recent years, many confessions are barred from evidence because they are not voluntary, or because the defendant has been held by the police too long without arraignment or without a lawyer. Hence, if we report in detail on confessions or prior police records, we may be informing potential jurors of evidence most damaging to a defendant although, ultimately, that evidence never is presented to the jury and cannot, for good civil liberties reasons, be presented to the jury.

The net result has to be something that we as citizens would not want - that is, because of us, a defendant who may be guilty will be let off because he/she cannot get a fair trial. These restrictions (with the exceptions noted in the following paragraphs of this standard) on the broadcast of confessions, or of prior police records, or of evidence relating to the guilt or innocence of a defendant or a potential defendant, do not apply where there

are public policy reasons for such broadcasts and it is not merely a case of passing along the information we get because it might be interesting to our viewers and listeners.

We still must fulfill the vital watchdog role of the press, particularly in the administration of justice. Consequently, where there are public policy reasons to do so, we can pursue every lead and report it - so long as it relates directly to a story or expose about the administration or miscarriage of justice and improper action or inaction of officials. Watergate was, of course, a paramount example of this. The Wetumpka story is a more obscure and less dramatic example: There, a young black was hauled out of his car by the county sheriff and dragged into jail, and then was found dead in jail - and there was no indictment and no charge against the county officials. After a reasonable time had elapsed and it became apparent that there would be no official pursuit of the case, we reported eyewitness and other evidence that the sheriffs had brutally beaten the black. Here was a case where, indeed, the evidence went to the guilt or innocence of the sheriffs. But it was apparent that nobody was doing anything and hence there seemed clearly to be a miscarriage of justice. In such cases no holds, except careful and responsible reporting, are barred and we go full-speed ahead. So, too, if a seemingly innocent person appears to us to be in the process of being railroaded to jail, we can and ought to report any evidence that we can find.

One other point - where a crime has been committed and there is no warrant or arrest or indictment for any particular person, we certainly can interview eyewitnesses (staying away, as is normally the case, from explicit fingering and identification of the alleged criminal by name) and carry the pictures and description of the suspected fugitive released by the police. Further, where the police themselves or government officials violate the American Bar Association guidelines and publicly announce, in newsworthy circumstances, particular evidence pointing to the guilt of a person including confessions or prior police records, it is not incumbent on us to censor them if our news judgment otherwise indicates that some or all of their statements are worthwhile carrying. An extreme example of the latter is the instance where the Dallas Chief of Police waved a rifle in front of everybody and said that this was the rifle that Oswald had used and that he was clearly guilty. So, also, is the Nixon

reference to Manson's guilt before Manson's conviction. These are things that we could not, and should not, suppress. Mr. Nixon and the police official may have been totally wrong, but we cannot put ourselves in the position of playing God and pretending, in these particular circumstances of significant public interest and importance, that the events didn't happen.

These basic, general principles will not give us a specific answer in every case and, in many instances, we shall have to make specific decisions based on the particular circumstances. But the stated principles should guide us in fulfilling our role of watchdog, particularly where the administration of justice is concerned, while, at the same time, we preserve the rights of defendants and prosecutors to a fair trial.

Production Standards

Handouts

No handouts (film, tape, written or otherwise) may be included or used in a CND broadcast unless these standards are satisfied:

- the source of the handout must be clearly identified in the broadcast
 - the handout must be edited to the full extent necessary for the removal of all propaganda or plugs;*
 - written handouts and scripts accompanying recorded handouts may not be included in the broadcast; they may be used, instead, only as source material subject to the usual verification procedures;*
 - there should be no commitment that a handout will be used in part or in whole or that it will not be edited if used;
- 3/1/81
- a film or tape handout which relates to a controversial issue of public importance and which is offered, without any prior solicitation by us, as an inducement for us to broadcast it, may not be used without the prior approval of the President of CND;
 - a film or tape handout which relates to a controversial issue of public importance which is solicited by us may not be used without the prior approval of a Vice President, News or Vice President, Public Affairs, whichever is appropriate;
 - whether solicited or unsolicited, a film or tape handout which relates to a controversial issue of public importance must be identified as to source at the point in the broadcast where the handout is used. In addition, if the source is a corporation, committee, association or any other unincorporated group or entity, a list of the chief executive personnel of the source must be made available for public inspection. This information should be furnished promptly to the CND Senior Vice President, Administration, who will record it and maintain such records. This latter requirement--for a list of chief executive personnel--obtains whether the material is solicited or unsolicited.

* There is one exception. If the propaganda or plug aspects of a handout are relevant to, and are being examined in, a broadcast, they may be included in the broadcast for that purpose, but only if they are clearly identified in the broadcast as propaganda or plugs.

Production Standards

Interviews* (7/13/78)

Interviews which are not spontaneous and unrehearsed are prohibited unless specifically approved by the President of CND. The President will give such approval only in those infrequent and unusual situations where the news importance of the interview clearly outweighs the disadvantages of the procedure and there are sound reasons for such procedure. The extent to which an interview is not spontaneous and unrehearsed must be adequately disclosed in the broadcast--and the interviewee should be informed, prior to the interview, that this will be done.

An interview is not spontaneous or unrehearsed if

- the questions are submitted to the interviewee in advance (but the interview will be considered spontaneous and unrehearsed if the advance submission consists merely of an outline of the general areas from which specific questions will be drawn); or
- there is an agreement not to use a particular general area as a basis for specific questions; or
- there is an agreement not to ask specific questions; or
- the film, tape or transcript of the interview is submitted to the interviewee for approval or for participation in the editing process.

Rehearsal of physical position and movement on camera does not, for the purposes of this standard, constitute rehearsal of the interview.

Reaction shots and reverse shots, made out of natural time sequence, may be used except that

- they may not be used when the entire broadcast, or a complete segment of a magazine broadcast, consists of a single interview in which the interviewer plays a significant part; the use of multiple cameras in such situations will obviate the need for reaction shots and reverse shots made out of natural time sequence; but if, because of space, time or other operational exigencies, the use of multiple cameras is precluded, the President or a Senior Vice President of CND may approve an exception to this standard;
- reaction shots and reverse shots made out of natural time sequence in connection with an interview must either be made in the presence of the interviewee (or his or her representative) or, if neither wishes to wait for this to be done, only after what is about to be done is explained to and approved by the interviewee;

* "Interviews," as used in this standard, include interviews, discussions, forums, debates and similar broadcast content.

Production Standards

-- reverse questions must conform to the original questions in tone, character and content;

-- reaction shots made out of natural time sequence may not, in any way, distort or alter what actually occurred during the natural time sequence, e.g., if an audience reaction during the natural time sequence is laughter, a reaction shot of the audience made out of natural time sequence must also include laughter.

The editor and/or producer of each broadcast must carefully examine all reaction shots and composite editing and compare all reverse questions with the original questions to insure that their use does not distort or alter the content, tone or meaning of the original questions, answers or reactions. Reverse questions and composite editing may not be used to clean up a poorly phrased or poorly stated original question.

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11/1/76

The subject of an interview shall have no voice in the selection of the interviewer, nor, in other news coverage, should the subject of the coverage have any voice in the selection of the correspondent assigned to cover him/her or the story.

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11/1/76

All interviews, unless on a live broadcast or an interview broadcast pre-taped to time, are subject to editing, and no CBS News employee should represent to an interview subject that the interview will be carried in full and be unedited. Exceptions to this policy will be made only in the most unusual circumstances and then only by the President of CND.

* * * * *

Interviewees may not be paid for participation in hard news or hard news oriented broadcasts. Interviewees in other broadcasts may be paid either i) a nominal sum for a release or ii) in the following circumstances, an additional sum:

- where the entire broadcast, or a complete segment of a magazine broadcast, is built around a single public figure and is in the nature of electronic memoirs or an electronic article by a well-known columnist or author; or
- where the interviewees are professional, non-public experts (e.g. professors, economists etc.) who play a major role in the broadcasts and payment to them would be in the nature of a lecture fee; or
- where the interviewees have achieved importance and recognition in such fields as entertainment, sports, literature, etc. and are available only if paid.

6/22/77

Appropriate payments may be made, of course, to informants, consultants, and others who furnish liaison, information or contact services. If, however, any of these are interviewed in connection with the broadcast on which they are being paid for such services, we must identify them in the broadcast as having worked for us as paid consultants.

Production Standards

Interviews with Victims of Accidents or Other Tragedies or Their Relatives

Although it is not feasible to set forth hard and fast rules that will cover every contingency, these policies are generally applicable to such interviews:

- Avoid them, normally, except when they are essential for the story; for example, when they throw light on what happened or drive home a point which might help avoid future tragedies.
- Exercise restraint in soliciting and conducting them.
- Do not interview, or attempt to interview, a person who appears to be in a state of shock.
- Do not attempt to conduct an interview until permission has been obtained from the interviewee.

Production Standards

Investigative Reporting

Investigative reporting, to which CND has a long-standing commitment, often cuts deep and arouses sharp reactions. But we must be free, nevertheless, to expose--and, indeed, we have a responsibility to expose--criminal activity, wrongdoing and abuses of public confidence and trust. Since each investigative effort involves different facts and raises different questions of procedure, policy and law, it is not feasible to formulate specific standards for investigative reporting which will address all possible problems and answer all possible questions. But these are the basic standards which must govern our activities in this sensitive area:

Investigative reporting by CND must be conducted under the general supervision and control of the President of CND; he/she will take steps to insure that each investigation is conducted in a manner consistent with CND's standards of journalistic integrity, accuracy and fairness.

Whether information about a potential crime obtained by CND personnel during the course of an investigation must be made available to public authorities will depend on the facts of each case, considered (in consultation with the Law Department) in the light of the potential crime involved and the purpose of the investigation. There will be circumstances when no such notification will be called for (for example, it is obvious that investigative reporting of misconduct by public officials would be frustrated by reporting the investigation to those very officials). On the other hand, information that a potential crime endangers the person or property of an individual or individuals (e.g., arson, rape, murder, riot) must be reported promptly to the appropriate public officials.

6/6/77

In approaching individuals or organizations for interviews or coverage, misrepresentation should be avoided. Misrepresentation is unnecessary and in any event, candor on the part of the reporters and producers most often would better achieve the purpose.

6/6/77

In rare cases, however, an important story cannot be done without the reporter's or producer's withholding his or her identity. But this should be an exception and will be countenanced only when there is clear reason to believe that an improper activity could otherwise not be reported.

If the President of CND determines that a particular investigative project may raise questions of special importance or require the interpretation of basic CBS policies, or if the investigative project may involve a violation of law by CND personnel, the Law Department should be consulted prior to the commencement of that project, and should then be kept advised, to the appropriate degree, as the investigation proceeds. This does not imply any change from past practice in this area. Past experience indicates that the extent of the Law Department involvement will differ considerably from situation to situation. And our lawyers will continue to be lawyers, not participants in coverage of the news.

CND personnel will not knowingly engage in criminal activity in the gathering or reporting of news, nor will they encourage or induce any person to commit a crime. But there may be exceptions which should be made, on an ad hoc basis, even to so absolute a rule. For example, some issues may require investigative reporting which involves the commission of acts technically in violation of criminal statutes, such as the purchase or possession of hand guns (where they are forbidden) or of liquor in a dry state, in connection with reports on how easy it is to acquire these articles. But even such exceptional acts are never to be undertaken lightly. At the other extreme, of course, are acts which cannot be countenanced, no matter how important the subject under investigation, the most obvious example of which would be injury to another person. Between these extremes lie many hard questions. One principal purpose of those standards is to assure that these questions will never be approached without a thoughtful regard for the heavy responsibilities involved.

Production Standards

Music

The standards governing the use of music in CND broadcasts flow, logically, from the most basic of the production standards governing such broadcasts, which is that everything must be what it purports to be. Accordingly, it is neither realistic nor permissible to inject in a hard news, documentary or magazine broadcast, merely for aesthetic background purposes, music which bears no real relationship to the broadcast content.

There are circumstances, however, when music is legitimately part of the story -- a civil rights demonstration which involves music, for example, or an official function involving an orchestra. The use of such music, in hard news, documentary and magazine broadcasts, is of course permissible; moreover, in the case of documentary and magazine broadcasts, such music, once established in its real setting, may recur at other points in the broadcast when appropriate.

Music which is not part of the story but which does have some relationship to the subject matter may be used, with the permission of the President of CND, in documentary and magazine broadcasts dealing with non-news subjects such as travel, historical or cultural events. Examples are the use, in a travel broadcast, of music native to the countries involved and the use, in a historical documentary broadcast, of music generic to the period.

4/11/79

A brief musical identification may be appropriate for use in connection with the series title of an ongoing series, but only if approved by the President of CND. Such music may be used only in synchronization with the main title and credits for the sole purpose of series identification. It may not be used over actual subject matter.

Production Standards

Broadcast of Objectionable Material

There is not, and cannot be, a general policy which will resolve all specific questions of taste as they arise. Instead, each decision as to the inclusion of material that may be offensive to substantial portions of the audience must be based on a careful consideration of the specific facts involved in the light of contemporary community standards, general standards of news judgment and responsibility and the following basic principles:

- When objectionable language is used during a news event that is being covered, inclusion of that language in a broadcast depends on the nature of the event and the importance of reporting it just as it takes place. For example, when it was anticipated that there would be live coverage of the Congressional impeachment proceedings with respect to President Nixon (including the Presidential tapes), it was decided that the anticipated objectionable language would be broadcast because of the historical and journalistic importance of reporting the proceedings as they actually took place.
- When statements (by non-CND personnel) with respect to a news event or issue include objectionable language, the inclusion of such statements in broadcasts will depend on factors such as (i) the importance of the news event or issue, (ii) the importance of the statement taken as a whole and its degree of newsworthiness and relevance to the news event or issue, and (iii) the degree of objectionability i.e. certain objectionable language would be acceptable while other extreme language would not.
- The same general principle set forth in the preceding paragraph will be applicable to objectionable language included in statements by others which are quoted by CND personnel except that even stricter standards of newsworthiness and importance of the language and more rigid standards of "objectionability" must be applied.