

**For Release**  
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## **JOURNALISTS CHALLENGE LICENSE OF FOX TV IN TAMPA ON EVIDENCE OF FALSE AND DISTORTED NEWS REPORTS**

TAMPA (January 3, 2005)—For what is believed to be the first time ever, two television journalists have challenged the broadcast license of a station on grounds it deliberately broadcast false and distorted news reports.

Veteran reporters Jane Akre and Steve Wilson filed the petition Monday against WTVT Fox-13 in Tampa, a unit of Rupert Murdoch's Fox Television empire.

The formal Petition to Deny the station's pending license renewal presents the Federal Communications Commission with 98 pages of what the journalists say is "clear and convincing support for the claim that the licensee is not operating in the public interest and lacks the good character to do so."

The challenge stems from what the reporters say was a year-long experience inside the station where they resisted Fox managers who repeatedly ordered them to distort a series of news reports about the secret use of an artificial hormone injected in dairy cattle throughout Florida and beyond.

The claim also cites another case of alleged deliberate distortion at the Fox-owned television station in Kansas City, WDAF Fox-4.

The journalists also charge that WTVT has violated federal rules with regard to keeping on file viewer complaints and comments. The reporters say not one communication regarding the dispute over the hormone story was found in the files even though there were several examples of letters which should have been there.

"There are no greater supporters of the First Amendment than Steve and I," Akre said. "But the First Amendment is certainly not a license to lie and no broadcaster should be allowed to put its own financial interests ahead of the public interest. The public interest is by law the primary obligation of every broadcaster who uses our public airwaves to make their corporate fortune, especially when broadcasting the news."

"The FCC itself has clearly said 'rigging or slanting the news is a most heinous act against the public interest and indeed, there is no act more harmful to the public's ability to handle its affairs' and who can disagree?" Wilson added.

The reporters charge station executives demanded the reports be falsified and slanted to avoid a threatened lawsuit by the hormone maker Monsanto, as well as potential loss of advertising from dairymen and others who objected to the reports.

Though Fox officials never pointed to a single inaccuracy in the proposed broadcasts, they nonetheless fired the two after the reporters refused to yield to management threats of dismissal. The two also refused what they characterized as a six-figure offer of hush-money from station managers who wanted them to leave and forever keep quiet about the issue.

In 1998, the two filed a civil court lawsuit seeking employee protections under the state Whistleblower Act that resulted in a \$425,000 jury award to Akre. That verdict was then overturned in 2003 when an appeals court accepted Fox's defense that since it is not technically against any law, rule, or regulation for a broadcaster to distort the news, the journalists were never entitled to employee protections as whistleblowers in the first place.

Although Fox has always denied it ever ordered deliberate distortions, the jury found the reports at the heart of the dispute were "false, distorted, or slanted." While the appellate court ruling that reversed the jury called the journalists' suit "without merit from its inception," that finding was based solely upon the court's finding on the threshold issue that the Whistleblower law did not apply in this particular case. No court has ever disputed the jury's conclusions about the news reports themselves.

"The public expects the FCC to exercise its authority on complaints of indecency on the public airwaves and it has in cases like Janet Jackson and here locally with Bubba The Love Sponge. Certainly no less important is the public's expectation that the airwaves they own will not be used to lie and mislead them on issues of public importance," Wilson said.

"Steve and I are gratified that six disinterested people who spent more than a month reviewing the facts ultimately agreed the story Fox demanded was, as the jurors determined, 'false, distorted or slanted.'

"As we said in our Petition, we are not seeking to retry our whistleblower case at the FCC. We are doing what we said all along that we have a duty to do: bring the facts of Fox misconduct to the attention of a federal regulatory agency that long ago promised it would act to protect the public interest against broadcasters who twist the truth in news reports," she said.

"Reporters seldom if ever speak out against the news organization that employs them. I'm proof that doing so is not the best path to career advancement—but what happened here was too egregious for any honest journalist to ignore," Akre said.

"And now, with the strongest, clearest, and best-documented case of news distortion ever presented to the FCC by newsroom insiders, we call upon the Commissioners to exercise their authority to assure the public is being well-served and not misled," Wilson said.

The petition seeks a full and thorough investigation by the FCC followed by public hearings on the matter before any determination is made to renew WTVT's license to operate the station for the next eight years.