Nixon Aide Urges Less Control

Broadcast Rules Examined

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The top White House adviser on communications policy yesterday urged a sweeping revision of the government's regulation of broadcasting, including the adoption of an automatic right for the public to purchase television air time.

Clay T. Whitehead, head of the White House's Office of Telecommunications Policy, also recommended, however, that television broadcasters be spared from frequent challenges to their federal licenses and that the "fairness doctrine" be abolished.

Under the "fairness doctrine," the Federal Communications Commission requires that broadcasters make a good faith effort to air conflicting views on controversial subjects.

Whitehead also recommended that radio stations ultimately be removed almost entirely from regulation by the FCC. Under his proposal, stations could be bought and sold without FCC approval.

"For most purposes, we should treat radio as we now treat magazines," he said.

"I have no legislation tucked in my back pocket that we are about to introduce," he told the International Radio and Television Society in New York, "but I will work for legislation if there is support for these proposals."

Whitehead's speech represents reaction to two relatively new developments at the FCC, which licenses radio and television stations for three-year periods.

First, the agency is receiving an increasing volume of complaints that broadcasters are violating the "fairness doctrine" by favoring one side of a controversial issue.

The Democratic Party, for example, has repeatedly claimed that networks must provide more time for responses to President Nixon's speeches and news conferences; likewise, "public interest" groups have argued that they are entitled to free air time to challenge automobile, oil, and gasoline commercials.

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Change Urged in Broadcast Policy

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Second, under recent court decisions, renewals of broadcasters' federal licenses—almost an automatic procedure until recently—have encountered rising opposition from local groups which claim that the stations have not produced quality programming and that their licenses should therefore not be renewed.

In response to this trend, the FCC is attempting to develop criteria for judging the performance of stations.

"It is a quagmire of government control, and once we get into it we can only sink deeper," Whitehead said. "The courts are on their way to making the broadcaster a government agent."

As a substitute for the "fairness" rule—and for determination of what is "fair" by the broadcaster or by the FCC—Whitehead would substitute the automatic right of anyone to buy air time. Thus, if the Democrats wanted to respond to a presidential speech, they could simply purchase air time "on a first-come, first-served basis."

Until recently, broadcasters have claimed the right to refuse to sell air time for advertisements concerning "controversial" issues. However, a recent court decision—resulting from WTOP-TV's refusal to sell time to an antiwar group of businessmen—said that stations cannot automatically reject such requests.

Whitehead would also lengthen the current three-year license term for TV stations—he did not suggest a specific new period—and eliminate any FCC program standards by granting a renewal if a broadcaster had "made a good faith effort to ascertain local needs and interests, and to meet them in his programming."

That change, industry observers said yesterday, would probably prove popular with broadcasters, who resent challenges to their licenses. But the observers predicted that the proposals would probably stir criticism that stations are being shielded from public pressure and scrutiny.