

VOIDANCE OF
FCC FAIRNESS
DOCTRINE URGED
BY WHITE HOUSE
AS PART OF
AIRWAVE PLAN

By THE HOUSE OF REPRESENTATIVES

A WALL STREET JOURNAL News Roundup

President Nixon's chief spokesman on communications policy called for changes in communications law that would drastically revise the relationship between broadcasters and the public.

Clay T. Whitehead, director of the White House Office of Telecommunications Policy, outlined three basic proposals in a speech to the International Radio and Television Society in New York.

In potentially the most controversial suggestion, Mr. Whitehead proposed eliminating the Federal Communications Commission's fairness doctrine and replacing it with specific legislation designed to guarantee public access to the airwaves.

The fairness doctrine essentially requires broadcasters to air all sides of controversial public issues. It has taken on broader significance in recent months as numerous public interest groups have increasingly relied on it in seeking radio and television air time to voice their views.

Mr. Whitehead also proposed changing the FCC's current broadcast license renewal process to "get the government out of programming." Further, he proposed that his office and the FCC initiate an experiment to deregulate commercial radio operations.

No Legislation Ready

Mr. Whitehead told the New York meeting that the government has tried "program control and bureaucratic standards of fairness and found that they don't work." The official said he didn't have any legislation ready to introduce, but would work for such laws if there is enough support.

In proposing abandonment of the fairness doctrine, Mr. Whitehead suggested replacing it with a law that would make television advertising time available on a "first-come, first-served basis at nondiscriminatory rates," although there wouldn't be any rate regulation. Thus, an individual would have a right to speak on any matter, Mr. Whitehead said, "whether it is to sell razor blades or urge an end to the war." Individuals would enforce their access rights through the courts, not the FCC, under Mr. Whitehead's proposal. The FCC currently is conducting an inquiry to see whether the fairness doctrine, which it applies on a case-by-case basis, can be made more workable.

Mr. Whitehead also proposed a change that would give broadcasters more security at license-renewal time. He would lengthen the current three-year licensing term, require broadcasters to make a "good faith" effort to ascertain and meet their community's programming needs, bar the FCC from making value judgments on the content of specific programs and permit groups to compete for a broadcaster's license only if the FCC has revoked it or refused renewal. Such a move would draw bitter opposition from many community groups currently challenging the renewal of licenses in numerous cases at the FCC.

Finally, Mr. Whitehead proposed a pilot pro-

gram under which the FCC would wind down its regulation of radio stations by not reviewing their programming and commercial practices at license-renewal time. Mr. Whitehead said it is time to realize that radio is "completely different" from television, observing that it ultimately should be treated for the most part "as we now treat magazines."

Broadcasters Respond

The broadcasting industry's initial response was favorable. The three national TV networks were the most cautious, with Columbia Broadcasting System Inc. declining comment until it could study the proposals. American Broadcasting Cos. said that "we share his stated objectives of preserving a free broadcasting system and minimizing government control and will carefully study his proposals," while RCA Corp.'s National Broadcasting Co. unit said the proposals were "bold and innovative" but "some points need further study and clarification." NBC didn't elaborate on the statement.

Lawrence H. Rogers II, president of Taft Broadcasting Co., wasn't so cautious. "This is the first breath of fresh air that's blown out of Washington in a good many years," he said. John T. Murphy, president of Avco Broadcasting Corp., a subsidiary of Avco Corp., said the proposals show Mr. Whitehead is "cognizant of the harassment that has been going on, which has had a deadening effect on the creative energy we broadcasters should be applying to our operations. (He) appears to be putting common sense into broadcasting at long last."

In addition to backing the proposed elimination of the fairness doctrine, Mr. Murphy noted

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that the present criteria for license renewal consist largely of an examination of the percentage of air time devoted to certain types of "public service" programming, such as news, community affairs and educational shows. "The percentages are meaningless if no effort is made to put the quality in, or if the programming isn't relevant to the needs of the community," he said. "If we can be judged on a good faith effort to know and serve the needs of our communities, everyone will benefit."

Mr. Rogers said the proposed test deregulation of radio "shows Mr. Whitehead has done his homework. There's no plausible excuse to regulate them in the same way; they are different animals. If he wants a guinea pig to test his proposal, I'll volunteer."