

Fairness Rule Debate Starts At FCC Session

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The Federal Communications Commission yesterday opened five days of hearings that could end in the most fundamental revision of television and radio regulation in more than two decades.

At issue is a major overhaul of the FCC's "fairness doctrine"—a deliberately vague standard that requires broadcasters to treat controversial issues fairly by "affording reasonable opportunity for the presentation of conflicting views . . ."

Until recently, the commission gave broadcasters almost total freedom in deciding which issues are "controversial" and whether or not "conflicting views" have been allotted "reasonable" air time.

Democrats have claimed that the "fairness doctrine" entitles them to a reply when President Nixon goes on television. Public interest groups—upset about pollution, health or safety problems—have argued that the "fairness doctrine" applies to advertising and that broadcasting stations should be obliged to give or sell time for "counter-advertising."

In the Midwest, one station was accused of violating the "fairness doctrine" by running spot advertisements for the local United Givers Fund—which, it was alleged, was dominated by whites and gave to predominantly white charities. Broadcasters' treatments of countless news topics, rang-

ing from private pilots to local bond issues, have stimulated complaints.

At yesterday's hearing, the lines in the struggle to change the policy were quickly drawn. Broadcasters claimed that proposals to set specific standards of "fairness" would simply represent a new form of "government interference" that would stifle creative radio and television journalism.

On the other side, a variety of reform proponents—primarily public interest lawyers and academics—contended that the FCC's current policies have allowed a monopolization of the air waves by broadcasters, who have almost total power over what is shown and how it is presented.

"There is censorship by (broadcasters) now," Robert L. Shayon, professor of communications at the University of Pennsylvania, told the FCC. Reform of the "fairness doctrine" should aim at "opening up the ball game so that more people can get into the act of responsible democratic dialogue (on radio and television)."

Although the FCC has given few clues of what changes it may make, there have been a variety of proposals, which, among other things, would:

- Set more specific stand-

ards for broadcasters to judge what are "controversial" issues deserving treatment. If adopted, this proposal would give more leverage to viewers protesting that broadcasters ignored important issues.

- Establish some "doctrine of access" to allow groups or individuals to buy time or receive free time to discuss "controversial" subjects—including rebuttals to advertisements. (Now, broadcasters can reject advertising on "controversial" subjects, which—under the FCC's scheme—are handled in news broadcasts. Already, this policy has been upset in the D.C. Court of Appeals in a case involving WTOP's refusal to sell advertisements to Business Executives Move to End the War in Vietnam. The decision has been appealed.)

CBS commentator Eric Sevareid testified that "the very discussion here suggests we're in some Orwellian fantasy land. I don't know how 7 or 17 men can presume to judge an amorphous quality of fairness." He said, "I don't think the power of the electronic press has grown so great in my time—it's the power of government, especially the administrative branch of government. I would not like to see it grow any greater."