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FCC's 'Fairness Doctrine' Upheld by Supreme Court

WASHINGTON (AP) — The Supreme Court today upheld a government rule requiring broadcasters to give people attacked over the air a chance to reply.

The rule, an outgrowth of the Federal Communications Commission's Fairness Doctrine, was challenged by a group of broadcasters as inhibiting free speech.

The court in a 7-0 decision, rejected this argument and held:

"THERE IS NO sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all."

The decision, given by Justice Byron R. White in two cases, upheld the FCC rule governing political editorials

as well as the one concerning "personal attacks."

White said the FCC's application of the Fairness Doctrine and its promulgation of regulations stemming from the doctrine "are both authorized by Congress and enhance rather than abridge the freedoms of speech and press protected by the First Amendment."

HE ADDED: "We hold them valid and constitutional."

Justice William O. Douglas did not participate in the decision. He had not heard oral arguments in the case because of an appendix operation just three days earlier.

In one case, Red Lion Broadcasting Co., operator of WGCB - AM - FM, Red Lion, Pa., sued when the FCC said it had to supply free air time to Fred Cook, a writer who had been criticized by the Rev. Billy James Hargis in a "Christian Crusade" broadcast.

IN THE SECOND CASE, the Columbia Broadcasting System, the National Broadcasting Co., the Radio Television News Directors Association and eight other operators of radio and television stations attacked both rules.

The U.S. Circuit Court for the District of Columbia ruled against Red Lion. This judgment was affirmed by the Supreme Court.

The U.S. Circuit Court in Chicago had ruled in favor of the broadcasters. This judgment was reversed by the Supreme Court.