

# Court Backs FCC On Right to Reply

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Rejecting the free-speech and free-press claims of the broadcasting industry, the Supreme Court held unanimously yesterday that the Federal Government may require radio and television stations to give free air time to opposing viewpoints and the targets of editorial attack.

By a 7-to-0 vote the Court said the Federal Communications Commission's "fairness doctrine" and regulations on airing of public policy issues "enhance rather than abridge the freedoms of speech and press protected by the First Amendment."

The Court upheld the FCC's order to radio station WGCB in Red Lion, Pa., to afford free time for writer Fred Cook to reply to ultra-conservative the Rev. Billy James Hargis, who impugned Cook's loyalty on a "Christian Crusade" broadcast.

And the Court reversed the Seventh U.S. Circuit Court of

Appeals in Chicago, which had struck down a set of "fairness" regulations and "political editorial" rules on grounds they would make broadcasters afraid to exercise their free-press rights and make them shy away from controversial subjects.

See FAIRNESS, A4, Col. 1

## Subversion Law Is Overturned

The Supreme Court ruled yesterday that "mere advocacy" of subversive ideas cannot be punished and struck down an Ohio law — one of the anti-subversive measures that were enacted in 20 states after World War I. Pg. A5.

The Court also ruled that a debtor's salary cannot be garnished until he has an opportunity for a court hearing. Page C1.

### FAIRNESS, From A1

Justice Byron R. White, writing for the Court, referred repeatedly to the shortage of broadcast frequencies as the justification for Government demands that radio and TV licensees share their facilities with persons they attack or who espouse opposing political views.

But White also wrote in terms that went beyond broadcasting. He went out of his way to mention that the Court "put aside" the argument in favor of legislation "multiplying the voices and views presented to the public through time sharing, fairness doctrines or other devices which limit or dissipate the power of those who sit astride the chan-

nels of communication with the general public."

White made clear that in his view the most important First Amendment rights were not those of the broadcasters. "The people as a whole," he said, "retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment."

As for the impact of FCC supervision on unfettered editorializing and newscasting, White said the networks and the Radio Television News Directors Association were premature, offering "speculative" objections.

The industry attacked the FCC rules on their face with-

out waiting for a case of Government abuse. This usually is a mistake when an industry takes the Government to court over new rules.

The Court's green light for the FCC is expected to figure in Congressional debate over the Commission's power in the field of cigarette commercials. Still pending on the Court's docket are petitions by the tobacco industry, the networks and the National Association of Broadcasters.

Under attack in these petitions is an FCC order requiring broadcasters who carry tobacco advertising to devote a significant amount of broadcast time to the opposing view—that smoking may injure health.