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Television

Fairness Time Bomb

By Jerry Buck

NEW YORK (AP)—For 22 years the 'fairness doctrine' has sat ticking under radio and television. Now it threatens to explode over an issue called access.

Groups ranging from environmentalists to war dissenters to ethnic minorities want a piece of the electronic media action. They are demanding access to the airwaves via the fairness doctrine, a ruling which the courts are widening into a broad avenue for people who want to espouse one side or another of controversial issues or dispute commercials for a wide variety of products.

"Bluntly, we face a chaotic mess," Dean Burch, chairman of the Federal Communications Commission, said in a recent opinion. "In the fairness area, the bond of theory and implementation has come unstuck and all the principal actors—licensees, public interest advocates, the commission itself—are in limbo, left to fend for themselves."

"If this goes any further," said one network executive, "television will no longer be a mirror of our society but a stamping ground for special interest groups."

The fairness doctrine was adopted by the FCC in 1949 to allow radio and television stations to editorialize—but it required them to give reasonable time to other sides of controversial issues. Aided by court decisions broadening the doctrine, groups are clamoring for air time to present their own

See FAIRNESS, C6, Col. 1

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The Battle Over

FAIRNESS, From C1

views or to answer everyone from President Nixon to commercials for leaded gasoline.

Such groups and coalitions are springing up all over the country—blacks, Chicanos, consumerists, environmentalists, war dissenters, New-Left, women's liberation, gay liberation. Some are demanding not only air time but an influence in the new coverage, policies and hiring practices of the stations. Where thwarted, they are challenging the station license.

The FCC voted in June to hold a full-scale inquiry into the fairness doctrine, with the hope of bringing it more in line with the times. The FCC has asked for comment on what course to take, but no hearings have been held yet. There are indications the whole question of access could land in the lap of Congress.

Clay T. Whitehead, director of President Nixon's Office of Telecommunications Policy, proposed in a speech

to broadcast executives recently that the doctrine be scrapped and that it be replaced by a statutory right of access.

Whitehead suggested making access a paying proposition, with stations selling time on a first-come-first-served basis. "If the Republicans wanted time to answer the Democrats, then they would have to buy time, too."

The special interest groups seeking access are frequently aided by churches and by public-interest law firms.

"These people are angry and they are determined," said Jane Goodman, a consultant to the Office of Communications of the United Church of Christ, who has worked with minority groups.

"They have seen no real evidence of access or participation in broadcasting and they are determined to end this oversight and discrimination."

Who Gets Access to TV Time,

"Minority people feel a need to express themselves on television, to be visible, to be part of society."

Court actions expanding the fairness doctrine have been:

- A Supreme Court ruling in 1969 that the right of freedom of speech on the air belonged to the people and not to the broadcaster.

- A U.S. Court of Appeals ruling in Washington this past summer that held that the public has a First Amendment right of access to the air and that stations cannot arbitrarily refuse to sell time for the espousal of controversial issues. The case was brought by the Business Executives Move

for Vietnam Peace, which had sought to express its opposition to the war.

- A ruling by the same court, also this past summer, that the advertising of high-powered automobiles and leaded gasoline is a controversial issue and that environmentalists must be given time to present their side. The court noted that it was following in the path of the FCC's cigarette ruling. The case was initiated by the Friends of the Earth Society.

- This past Monday the Appeals Court broadened the area in which Democrats—or the party out of office—may demand air time to answer administration broadcasts. It overturned an

FCC ruling giving the Republicans time to answer the Democrats, who had been given time by CBS to answer President Nixon. The court told the FCC that when requests from the opposition party come up it must consider not only presidential speeches but news conferences and comments by other administration spokesmen.

The fairness doctrine is separate from the equal time provision of the Communications Act. That pertains only to bona fide candidates for public office.

John A. Schneider, president of the CBS Broadcast Group, said he fears that some of the special interest organizations want not only

When, Why and How

access, but to change the medium.

"It's like acupuncture," he said. "People are sticking these needles in me for my own good. Everyone wants to perform corrective surgery."

Albert Kramer, director of the Citizens Communications Center in Washington, said, "Broadcasting has been making a lot of money all these years and now they say they're under siege, they're under attack, because people are saying they're fed up. It is time we got back something from broadcasting."

The center is a public-interest law firm operated by grants from the Philip M. Stern Family Fund and the

DJB Foundation and by \$3,500 in royalties from the sale of the book "How to Talk Back to Your Television Set," by FCC Commissioner Nicholas Johnson.

"There is a powerful right of speech on the networks—but only if you want to sell a product or a service," said Tracy Westen, of the Stern Community Law Firm in Washington. "But if you want to discuss a political or a controversial issue you can't. This stands our whole system of values on its head."

The Stern organization is a public interest law firm supported by a grant from the Stern Family Fund. Its principal goal, as outlined

by Westen, is "to eliminate censorship by broadcast stations over individual citizens trying to present views to the public."

The Appeals Court ruling in the Business Executives case could produce a rash of antiproduct commercials.

"Implicit in almost any advertising is a controversial issue," said Kramer, who was co-counsel in the case.

Westen said, "We're preparing a series of what might be called antiproduct commercials, but they are really truth in advertising. What we want to do is tell people hard, blunt facts that they don't ordinarily hear about products."