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THE FAIRNESS DOCTRINE

To paraphrase Mark Twain's remark about the weather, everybody complains about media bias but nobody does anything about it. In recent hearings held by the Federal Communications Commission, however, some organizations urged broadening the scope of the Fairness Doctrine and some urged abolishing it.

The Fairness Doctrine, simply stated, means that broadcasters (i.e., local television and radio stations, but not networks) must make affirmative efforts to extend reasonable opportunities for the presentation of contrasting viewpoints on controversial issues of public importance in the course of their overall programming. The definition of "reasonable" is in the discretion of the station.

The Fairness Doctrine is more needed today than ever before in history in order to serve as a small restraint on the monopoly power wielded by the Big Three Television Networks. They exercise monopoly control over news and information so vast that they have become a Fourth Branch of Government.

In a free society, no one institution, or group of three institutions operating in "conscious parellelism," should enjoy so much power. One way to limit such power would be to break them up, as the Sherman Anti-Trust Act is the response to monopoly power in other industries; but a more moderate way would be to extend the Fairness Doctrine to cover the networks as well as local broadcasters.

There is nothing in all our history to compare to the way the Big Three Television Networks dominate news and information selectivity in the United States. Comparisons with print media are far-fetched. Hundreds of newspapers print the news without paying any attention to the bias of New York and Washington, D.C., newspapers, but the Big Three Television Networks wholly dominate national news on local stations.

The blatant anti-Reagan bias of the TV network newscasts is obvious. To repeal the Fairness Doctrine would be to tell Dan Rather, et al, "Go ahead and be just as anti-Reagan and leftwing as you want; you have no legal or moral obligation to be fair."

The notion that the First Amendment is or should be the exclusive property of those

who own radio and television stations is offensive to those who do not. The First Amendment belongs just as much to the public as to those who own stations.

Our First Amendment right to speak on radio or television should not be limited only to those who have the money to buy a station. Even if you have the money, nobody may be willing to sell a station in your area.

Television and radio are so important in our lives that a democracy needs a marketplace of ideas, not just a competition of those with enough money to buy a station. Unless you own a station, you cannot speak a word on radio or television unless someone is willing to sell or give you the time.

The Fairness Doctrine does not guarantee fairness, but it does give the public a modicum of help in persuading a broadcaster to sell or give some time for contrasting views. Without the Fairness Doctrine, the public is left at the mercy of the proven bias of the networks and the broadcasters.

The First Amendment is phrased thusly: "Congress shall make no law ... abridging the freedom of speech, or of the press." The federal law requiring the licensing of radio and television stations obviously abridges the free speech of those to whom a license is not granted.

The Fairness Doctrine is an attempt by Congress to reconcile the obvious necessity for licensing with the Constitution. The biggest barrier to the right of free speech on radio or television is not the funds necessary to buy a station, but obtaining the license. The Fairness Doctrine conveys the message that free speech is the right of the public, not only of those favored few who were lucky enough to get licenses.

It is claimed by some that cable television and other new technologies have spawned so many television competitors that the Fairness Doctrine has become obsolete. But, just because some people watch a sports event or an X-rated movie on cable, that does nothing to diminish the massive dominance of our national news by CBS-NBC-ABC.

The need for the Fairness Doctrine today is even greater than it was when the U.S. Supreme Court ruled in its 1969 Red Lion decision: "It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of the market, whether it be by the government itself or a private licensee."