

There have been rare instances where educational broadcasters have faced complaints with respect to particular programs which have been broadcast. I know of few, if any, instances, however, where the educational broadcaster has been found to have acted unfairly in terms of the concerns of the fairness doctrine.

In the instances that I know of, the educational station has assiduously provided ample time for all responsible viewpoints, either in the context of the individual program or within comparable time spans. To a much larger degree than most commercial broadcast stations, educational stations foster the development of local programs on controversial issues. Such programs are usually prepared with the direct participation and guidance of interested local groups and individuals, thus assuring the representation of all shades of thought and opinion.

The chief concern of educational broadcasters in the area of the Fairness Doctrine relates to the manner of its administration by the Commission. Such a doctrine, which by nature touches on the borderlines of free speech and thought, must be wisely and reasonably administered. Otherwise, the effect on educational broadcasters, and on commercial broadcasters as well, is likely to be substantially inhibiting.

Thus, if the Commission were to follow a practice of close over-the-shoulder surveillance of controversial programming, and insist upon second-guessing the reasonable judgments of licensees, then educational broadcasters and others might ultimately have to avoid the discussion of important issues in their programming.

I do not believe that these are active concerns at present. I believe that the vast majority of educational stations freely and enthusiastically encourage this type of programming. Nor do I think that the Fairness Doctrine to date has been a substantial inhibiting force.

Moreover, considering the caliber of decisionmakers at the Commission, I do not think it likely that these concerns will grow to such an extent that there will be a serious threat to the continuation of a pattern of controversial-issue programming on educational stations. But the fear must be expressed, and it must be expressed often, in order to guard against even the potentiality for any curtailment of this necessary form of dialog on important issues.

With respect to the second area of concern—editorializing—educational stations have not heretofore editorialized on any significant scale, if editorializing is defined to embrace only the broadcast of licensee or station management opinions on specific issues.

This subject of editorializing was discussed in detail in the House hearings on the Public Broadcasting Act. As a result of those hearings, language specifically forbidding educational stations from editorializing was subsequently included in that act. Section 399 of the Communications Act, as amended, now provides that—

No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office.

As clarified by the statement of the managers on the part of the House, appended to the conference report accompanying the Public Broadcasting Act:

The prohibition against editorializing was limited to providing that no non-commercial educational broadcast station may broadcast editorials representing the opinion of the management of such station. It should be emphasized that