

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C., February 19, 1968.

DEAR CHAIRMAN STAGGERS: In accordance with your request, I have prepared a memorandum summarizing the legislative history relevant to the FCC's Fairness Doctrine, and submit it herewith.

The Doctrine, as enunciated by the FCC, requires that when a broadcast station presents a point of view on a controversial issue of public importance "reasonable opportunity must be afforded for the presentation of contrasting views." The purpose of the Doctrine is to promote the development of an informed public opinion through the dissemination of views and ideas concerning the vital public issues of the day. Despite this salutary purpose, the Fairness Doctrine has raised serious public policy and constitutional questions.

Supporters of the Doctrine state that it is required in order to insure that the public will have an opportunity to hear both sides of controversial issues of public importance. Statutory authority for the Doctrine is said to be inherent in such sections of the Communications Act as 307 which imposes a standard of "public convenience, interest or necessity" upon the granting of broadcast licenses, and 315 which refers to "the obligation imposed upon [licensees] under this act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

Opponents of the Fairness Doctrine assert that it is an unconstitutional abridgment of free speech and freedom of the press, that it constitutes an unwise policy which defeats its asserted purpose, and is not authorized by the Communications Act.

Thus the Fairness Doctrine itself constitutes a "controversial issue of public importance."

The purpose of this paper is to summarize the legislative events leading up to the present Communications Act which have direct bearing on the question of legislative intent with respect to the Fairness Doctrine. Aside from the act itself, focus has been on official committee reports, hearings, congressional debates, and judicial and administrative decisions.

Other materials have been consulted as well. Two memorandums by the Legislative Reference Service of the Library of Congress have been especially helpful in the preparation of this paper: *Legislative History of 47 U.S.C. 315; Censorship of Radio and Television Broadcasts*, by Mary Louise Ramsey, and *The Fairness Doctrine*, by Elizabeth Yadlosky, both of the American Law Division.

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