

APPENDIX C

Hon. GLENN CUNNINGHAM,
New House Office Building,
Washington, D.C.

MEREDITH WOW, INC.,
OMAHA, NEBR., February 28, 1968.

DEAR GLENN: Thank you for asking for our comments on the Fairness Doctrine. As you will recall we have had correspondence with you in the past regarding this subject, and are most pleased that you will be sitting in on hearings.

In our opinion, the Fairness Doctrine is unconstitutional. Specifically, we think it violates the First Amendment of the U.S. Constitution with respect to freedom of speech and press.

As now interpreted and applied by the Federal Communications Commission, the Fairness Doctrine has never been authorized by Congress.

There has been no showing of a real need for the Doctrine. Most broadcasters practice fairness. Few have been accused of unfairness, and fewer still have been convicted.

The FCC is rapidly extending the Doctrine to new situations, and it is hard to forecast the ultimate. A few years ago, the FCC ruled that when the Doctrine is violated in sponsored time, the licensee must provide free time if the aggrieved party cannot afford to, or does not choose to buy time. In 1967, for the first time, the Commission applied the Doctrine to commercials. It ruled that when a station broadcasts cigarette commercials it must also use its time and facilities to warn the public about the hazards of cigarette smoking. While the Commission says that it considers cigarettes a special case, it is easy to see how this ruling can be applied to any advertised item deemed dangerous by the FCC. Recently a New York City station referred to the DuBois Clubs as "Red" and "Marxist." The FCC pronounced this a personal attack within the meaning of the Fairness Doctrine, and has ordered the station to provide time to the DuBois Clubs for reply. In its administration of the Fairness Doctrine the Commission is increasingly intruding itself into the programming decisions of broadcasters. This is partly because of the bureaucratic tendency to stretch regulatory power to its maximum. Mainly however, it is because in the application of the Doctrine the Commission must necessarily substitute its judgment for that of the licensee, even though it professes not to do so.

The Fairness Doctrine has the effect of discouraging discussion on broadcasting stations. Rather than risk the severe penalties for violation of the Doctrine, and rather than face the necessity of providing free time, many stations tend to avoid anything smacking of controversial.

Also, Glenn, I am attaching a copy of Resolutions passed by the Nebraska Broadcasters Association during the past several years.

Sincerely,

Howard
HOWARD STALNAKER,
Vice President, General Manager.

RESOLUTION—FAIRNESS DOCTRINE

Passed at 1967 Nebraska Broadcasters Association Convention in Sidney,
Nebr. September 19, 1967

Nebraska Broadcasters Association, in annual convocation, renews its vigorous opposition to recent FCC action, in which this agency expanded its interpretation of the Fairness Doctrine. We specifically refer to the application of certain mandatory responsibilities on broadcast licensees, resulting from their presentation of cigarette advertising program material.

Most broadcast authorities, and many competent communications attorneys have labeled this FCC action as representing an unwarranted and dangerous intrusion into American business, by an agency of government. Nebraska Broadcasters support this contention.