

THE FAIRNESS DOCTRINE

Adapted from *Media: an Introductory Analysis of American Mass Communications* by P. Sandman, David Rubin, David Sachsman (1972), pp199-200.

What was the Fairness Doctrine? If an anti-abortion activist appeared on a TV talk show in the mid-1970s, what would the Fairness Doctrine require? Or what if consumer advocate Ralph Nader was interviewed on the evening news about a plan to require car manufacturers to put safety belts in all automobiles; how would the Fairness Doctrine apply? Read on.

From the very beginning of radio, the government has held that broadcasters cannot present only one side of controversial issues. Over the years, on a case-by-case basis, this notion has evolved into the Fairness Doctrine. Between 1929 and 1941, several stations lost their licenses for “unfair” treatment of controversial issues. And in 1941, radio station WAAB nearly lost its license simply for running editorials on various issues.

In the late 1940s, the FCC formalized the Fairness Doctrine as such:

1. Radio stations must devote a reasonable amount of broadcast time to controversial public issues. And, in so doing, they must encourage the presentation of all sides of those issues.
2. Stations are encouraged to editorialize as long as the end result is balanced programming on public controversies.
3. Whenever a license broadcasts a specific attack against a person or group, the victim must be offered comparable free time in which to reply. Newscasts, news interviews, and on-the-spot coverage are exempt.
4. Stations have an “affirmative obligation” to seek out representatives of opposing viewpoints.
5. Those who reply to earlier broadcasts under the Fairness Doctrine have no obligation to pay for the time; the licenses must provide it without charge.

The effect of this FCC decision was to scare the hell out of most radio and TV owners. They argued that the rule abridged their “free speech” and made it impossibly cumbersome to schedule programming. Worse, it cost them money because if a program they ran was deemed biased, they would have to offer the “opposing viewpoint” free airtime. (Fortunately for broadcaster, however, they were allowed to select whomever they wanted to represent “the opposing view.”)

What happened next is not what the FCC had planned: instead of showing different viewpoints for every issue, broadcasters dropped their editorials—and just about all their controversial programming—altogether. As long as they didn’t talk about anything important, broadcasters reasoned, they couldn’t possibly be one-sided.

For this reason, the Fairness Doctrine may have hurt the public interest as much as it helped. But there was another problem with the rule. In an average broadcast day, hundreds of opinions on various issues are stated or implied. The Fairness Doctrine gave the government the power to decide which issues are controversial and which are not. In the past, fairness complaints brought about by atheism and communism have been dismissed by the FCC on the grounds that atheism and communism are so obviously evil that no fairness is required. What would the FCC have to say about a Christian Scientist who wanted to reply to a blood-donor ad? Or a pot smoker who opposed anti-drug advertising?

The Fairness Doctrine was killed off in 1987, but there have been efforts to bring it back since then. Despite problems with the Fairness Doctrine, special interest groups found it helpful in getting the word out on their issues.