The Fairness Doctine: Background History II

Description

Previously regarding the Fairness Doctrine.

I have been searching for the source document that is the â€œFairness Doctrineâ€• from the FCC, but it seems to be more a series of positions and some court cases, with some input from Federal Law that puts the boundaries around this concept, rather than a single pamphlet that one can pick up and read and say â€œAh Ha! I get it!â€• So, please bear with me, as I try ti tie several things together that will help make the concept more useful for the discussion.

From Fairness and Accuracy In Reporting site, there is a lengthy discussion, which covers many parts that feed into the formulation of the Fairness Doctrine. Iâ€™d advise you to head to the link and read it to help get your arms around it.

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One of the more recent situations that have brought this issue to the forefront of the discussion was the controversy of airing the documentary â€œStolen Honorâ€• preceding the 2004 Presidential election.

From what I gather, the Fairness Doctrine is supposed to be there to prevent a single message being aired and controlled by a particular group. When one media outlet, Sinclair Communications, wanted 62 stations to air the documentary, there was a reluctance on the part of some of their stations and, based on the ensuing discussions, the demand to air the program was rescinded. Keep this in mind, when in the prior post on this topic, I noted the plan by Ms. Hennock was to have 500 TV stations in the country back in the late 40s. Consider than 62 stations does not even represent a majority of the total number of 500, let alone the massive numbers of TV stations available in 2004.

From the FAIR site:

> The necessity for the Fairness Doctrine, according to proponents, arises from the fact that there are many fewer broadcast licenses than people who would like to have them. Unlike publishing, where the tools of the trade are in more or less endless supply, broadcasting licenses are limited by the finite number of available frequencies. Thus, *as trustees of a scarce public resource [ed: my italics], licensees accept certain public interest obligations in exchange for the exclusive use of limited public airwaves. One such obligation was the Fairness Doctrine, which was meant to ensure that a variety of views, beyond those of the licensees and those they favored, were heard on the airwaves. (Since cableÃ¢â‚¬â„¢s infrastructure is privately owned and cable channels can, in theory, be endlessly multiplied, the FCC does not put public interest requirements on that medium.)*

Proponents today, appear to be coming from the same angle. Itâ€™s about radio and over the air TV frequencies are public resources, and therefore subject to regulation. Hang onto this point.

> The Fairness Doctrine had two basic elements: It required broadcasters to devote some of their airtime to discussing controversial matters of public interest, and to air contrasting views regarding those matters. Stations were given wide latitude as to how to provide contrasting views: It could be done through news segments, public affairs shows or editorials.

Key phrases: â€œSome of their airtimeâ€• â€œControversial mattersâ€• â€œWide latitude.â€•

> American thought and American politics will be largely at the mercy of those who operate these stations, for publicity is the most powerful weapon that can be wielded in a republic. And when such a weapon is placed in the hands of one person, or a single selfish group is permitted to either tacitly or otherwise acquire ownership or dominate these broadcasting stations throughout the country, then woe be to those who dare to differ with them. It will be impossible to compete with them in reaching the ears of the American people.
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> Ã¢â‚¬â€• Rep. Luther Johnson (D.-Texas), in the debate that preceded the Radio Act of 1927 (KPFA, 1/16/03)

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So, in 1927, the known technology for mass communication was the radio. TV wasnâ€™t available for 30 some years later. Mr. Johnson had it right, for his time, for the technology, for the way society operated.

> In 1959 Congress amended the Communications Act of 1934 to enshrine the Fairness Doctrine into law, rewriting Chapter 315(a) to read: Ã¢â‚¬Å“A broadcast licensee shall afford reasonable opportunity for discussion of conflicting views on matters of public importance.Ã¢â‚¬Â•

That looks like there is a foundation for the Doctrine, but, leaves lots of maneuvering room, which certainly is in the vein of the 1st Amendment, to allow freedom.

> There are many misconceptions about the Fairness Doctrine. For instance, it did not require that each program be internally balanced, nor did it mandate equal time for opposing points of view. And it didnÃ¢â‚¬â„¢t require that the balance of a stationÃ¢â‚¬â„¢s program lineup be anything like 50/50.

So, according to the writer, we are not strapped into â€œequal time.â€• Thatâ€™s good for the stations, and also allows for others to be heard.

Read the FAIR posting in detail, if you desire to become educated more on the topic.

Thatâ€™s the history I can dig up. It lends itself to much discussion, yet, I canâ€™t pin down who this applies to, other than radio and over the air television broadcasters. If thatâ€™s the case, then itâ€™s not so bad to have this discussion with the Democrats. If, along the way in the discussion, there is a move to apply â€œfairnessâ€• in some form as interpreted by the existing law and regulations on such things as cable TV and the internet, it could get interesting.

Besides not finding a definitive â€œcovered group/entities,â€• it seems to be a squishy issue to figure out what topics, or categories, that fall under this requirement to make allowances for opposing views. â€œControversial matters,â€• depending on who is allowed to say what is controversy or not will define how intrusive this Doctrine, if made into Federal Law. This is a significant part of the discussion worth monitoring closely, if this move to â€œre-instate the Fairness Doctrineâ€• moves forward.

More laterâ€¦.but remember: Forewarned is forearmed.

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1. History
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admin

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