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29

443-9.
FC 128

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

February 10, 1987

IN REPLY REFER TO:

Honorable George F. Mortimer
South Dakota State Representatives
South Dakota Legislature
State Capitol
500 East Capitol
Pierre, SD 57501-5088

Dear Mr. Mortimer:

Jay B. Stephens, Deputy Counsel to the President, has asked me to respond to your letter seeking assistance for the South Dakota Office of Educational Television in its efforts to bring public television to Belle Fourche, South Dakota, by translator.

An application for a translator to serve Belle Fourche was submitted by the Educational Television Board of Directors in May, 1985. Unfortunately, the Commission could not accept this application because it had earlier imposed a filing freeze on new translator and low power television applications. It had ordered the freeze when it was faced with a backlog of over 30,000 applications in 1984, many of which were mutually exclusive. Its intent was to act on the pending applications so that service could be provided to the public as quickly as possible. It was concerned that, if additional applications were accepted before the backlog could be brought under control, the process would be prolonged further for pending as well as potential new applicants.

Since imposing the freeze, the Commission has reduced the backlog to fewer than 10,000 applications, authorized over 2,000 low power television stations, and increased the number of television translator stations to almost 6,000. It continues to hold lottery sessions every month to select construction permit holders from among mutually exclusive applicants.

We recognize that the freeze has imposed hardships on communities such as Belle Fourche that are seeking new services. To alleviate this problem now that the backlog is diminished, the Commission has modified its filing procedures by providing for a series of filing "windows" during which applicants may file for any available frequency. Each window will be announced by a public notice to be issued at least 30 days in advance of the

opening informing prospective applicants of the filing period and of their rights to be considered with other mutually exclusive applications filed during the same period.


The Commission expects to begin opening filing windows this spring, and the application for Belle Fourche would be welcome at that time. In this way, the Commission hopes to meet the needs of communities like Belle Fourche without again being deluged by more applications than can be processed within a reasonable period of time.

Please be assured that the Commission recognizes the importance of translator service to Belle Fourche. The Mass Media Bureau has given its assurance that it will make every effort within the confines of our rules to process expeditiously any application for that community received during the window period. If you have questions about the filing windows or application requirements, Keith A. Larson, Chief of the Low Power Television Branch, will be glad to answer them. His telephone number is (202) 632-3894.

Thank you for your expression of interest in this matter.

Sincerely,


Diane S. Killory
General Counsel

cc: Jay B. Stephens 
Deputy Counsel to the President

JAN 21 4 07 PM '87

THE WHITE HOUSE

WASHINGTON

January 15, 1987

MEMORANDUM FOR DIANE S. KILLORY
GENERAL COUNSEL
FEDERAL COMMUNICATIONS COMMISSION

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Regarding an FCC Television License

Attached for your information and whatever action, if any, you deem appropriate is a letter to the President from George F. Mortimer. Mr. Mortimer requests assistance in obtaining an FCC license for a television station in his community.

We have advised Mr. Mortimer that the White House is unable to intervene on his behalf, but that his letter is being referred to your office for whatever action, if any, you deem appropriate.

Attachment



South Dakota Legislature

State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5088

House of Representatives

November 20, 1986

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20004

Dear President Reagan:

For more than two years now, we residents of Belle Fourche, South Dakota, have been fighting an uphill battle to get public television into our town by means other than cable television. Not everyone can afford cable television, and I don't think they should be forced to buy it to receive public television.

Our biggest hurdle all this time has been the Federal Communications Commission (FCC). Because of the geography of western South Dakota, translators are necessary to allow the broadcast television signals to reach towns such as Belle Fourche. These translators must be licensed by the FCC as low power television stations, but the FCC has not even been accepting license applications for the past few years.

In our 1985 Legislative Session, I successfully sponsored a bill to appropriate state and other funds to purchase and install the necessary equipment for this translator station. Our South Dakota Office of Educational Television has already done the engineering and located the exact site for the station. Either one of two of our public television stations could be relayed to Belle Fourche with this translator, and they've already purchased the equipment. Our Office of Educational Television has been trying all this time to get the license application accepted, but there's only so much they can do.

I would appreciate it if you could intervene on behalf of not just Belle Fourche, but the dozens, if not hundreds, of other small towns that are obviously in a similar situation because of this rather arbitrary action by the FCC. This is simply a matter of bureaucratic red tape, but it's keeping towns like Belle Fourche from receiving a publicly-funded service which is

The Honorable Ronald Reagan
November 20, 1986
Page 2

available to other towns. With your help we can probably see this to a fair ending.

Sincerely,


George F. Mortimer
South Dakota State Representative

GFM:MZ:RP

cc: Mark Zickrick, South Dakota Legislative Research Council
Dave Leonard, South Dakota Office of Educational Television

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG128

BoL

INCOMING

DATE RECEIVED: NOVEMBER 26, 1986

NAME OF CORRESPONDENT: THE HONORABLE GEORGE F. MORTIMER

SUBJECT: REQUESTS INTERVENTION ON BEHALF OF BELLE
FOURCHE, SOUTH DAKOTA AND OTHER SMALL TOWNS
GETTING PUBLIC TELEVISION IN THEIR
COMMUNITIES WHICH HAS BEEN DENIED BY FCC

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION ACT CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
KAE RAIRDIN		ORG	86/11/26	KAR	C	86/12/22 ^{TR}
	REFERRAL NOTE:					
Office of General Counsel - WH	CWALL	D	86/12/23 ^{TR}			87/01/15 ^{TR}
	REFERRAL NOTE:					
cuat 28		D	86/12/24 ^{TR}			87/01/15
	REFERRAL NOTE:					
cuat 29		S	87/01/15	OS		87/01/15
	REFERRAL NOTE:					
	REFERRAL NOTE:					

COMMENTS: Also Jan 15 87 JBS memo to Diane A. Killory

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 2200
IA MAIL USER CODES: (A) _____ (B) _____ (C) _____

- *****
- | | | | |
|--------------------------|----------------------|----------------------|---|
| *ACTION CODES: | *DISPOSITION | *OUTGOING | * |
| * | * | *CORRESPONDENCE: | * |
| *A-APPROPRIATE ACTION | *A-ANSWERED | *TYPE RESP=INITIALS | * |
| *C-COMMENT/RECOM | *B-NON-SPEC-REFERRAL | * OF SIGNER | * |
| *D-DRAFT RESPONSE | *C-COMPLETED | * CODE = A | * |
| *F-FURNISH FACT SHEET | *S-SUSPENDED | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* | | * OUTGOING | * |
| *R-DIRECT REPLY W/COPY | * | | * |
| *S-FOR-SIGNATURE | * | | * |
| *X-INTERIM REPLY | * | | * |
- *****

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

THE WHITE HOUSE
WASHINGTON

JBS:RMK:dmh 1/15/87
cc: JBStephens✓
RMKruger
chron.

January 15, 1987

Dear Mr. Mortimer:

I am writing in response to your letter to the President regarding your efforts to obtain an FCC license for Belle Fourche.

The White House maintains a longstanding policy against contacting independent regulatory agencies, such as the FCC, in regard to any particular matter pending before those agencies. This policy is designed to avoid any suggestion of preferential treatment or the use of influence on the decisionmaking process.

Thus, while we wish you the best in your efforts, we are unable to intervene on your behalf. I trust you understand the basis for this position.

A copy of your letter has been referred to the FCC General Counsel's office for whatever action, if any, it deems appropriate.

Sincerely,

ORIGINAL SIGNED BY J.B.S.

Jay B. Stephens
Deputy Counsel to the President

The Honorable George F. Mortimer
State Capitol
500 East Capitol
Pierre, South Dakota 57501-5088

THE WHITE HOUSE

WASHINGTON

January 15, 1987

MEMORANDUM FOR DIANE S. KILLORY
GENERAL COUNSEL
FEDERAL COMMUNICATIONS COMMISSION

FROM: JAY B. STEPHENS **ORIGINAL SIGNED BY J.B.S.**
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Regarding an FCC Television
License

Attached for your information and whatever action, if any, you deem appropriate is a letter to the President from George F. Mortimer. Mr. Mortimer requests assistance in obtaining an FCC license for a television station in his community.

We have advised Mr. Mortimer that the White House is unable to intervene on his behalf, but that his letter is being referred to your office for whatever action, if any, you deem appropriate.

Attachment

JBS:RMK:dmh 1/16/87

cc: JBStephens
RMKruger
chron.

THE WHITE HOUSE
WASHINGTON



January 15, 1987

MEMORANDUM FOR JAY B. STEPHENS

FROM: ROBERT M. KRUGER *RMK*
SUBJECT: Request for Intervention with the FCC

Based on your suggestions, I have drafted a letter referring Mr. Mortimer's letter to the General Counsel of the FCC. I have prepared this letter for your signature and also reformed the memorandum to Gwen King into a letter for your signature.

Attachments

Collette 965

445888



South Dakota Legislature

State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5088

House of Representatives

November 20, 1986

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20004

Dear President Reagan:

For more than two years now, we residents of Belle Fourche, South Dakota, have been fighting an uphill battle to get public television into our town by means other than cable television. Not everyone can afford cable television, and I don't think they should be forced to buy it to receive public television.

Our biggest hurdle all this time has been the Federal Communications Commission (FCC). Because of the geography of western South Dakota, translators are necessary to allow the broadcast television signals to reach towns such as Belle Fourche. These translators must be licensed by the FCC as low power television stations, but the FCC has not even been accepting license applications for the past few years.

In our 1985 Legislative Session, I successfully sponsored a bill to appropriate state and other funds to purchase and install the necessary equipment for this translator station. Our South Dakota Office of Educational Television has already done the engineering and located the exact site for the station. Either one of two of our public television stations could be relayed to Belle Fourche with this translator, and they've already purchased the equipment. Our Office of Educational Television has been trying all this time to get the license application accepted, but there's only so much they can do.


I would appreciate it if you could intervene on behalf of not just Belle Fourche, but the dozens, if not hundreds, of other small towns that are obviously in a similar situation because of this rather arbitrary action by the FCC. This is simply a matter of bureaucratic red tape, but it's keeping towns like Belle Fourche from receiving a publicly-funded service which is

KRairdin

The Honorable Ronald Reagan
November 20, 1986
Page 2

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Sincerely,


George F. Mortimer
South Dakota State Representative

GFM:MZ:RP

cc: Mark Zickrick, South Dakota Legislative Research Council
Dave Leonard, South Dakota Office of Educational Television

1986 DEC 23 11 11: 31

1986 DEC 23 AM 11: 27

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG 128

INCOMING

RECEIVED

DATE RECEIVED: NOVEMBER 26, 1986

DEC 17 1986

NAME OF CORRESPONDENT: MISS JOYCE TUOMY

ENFORCEMENT DIVISION

SUBJECT: URGES PREVENTING THE FEDERAL COURT DECISION WHICH WOULD IN EFFECT ABOLISH THE FAIRNESS DOCTRINE WHICH THE FEDERAL COMMUNICATIONS COMMISSION HAS A CLEAR MANDATE TO ENFORCE

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION ACT CODE	DATE YY/MM/DD	DISPOSITION TYPE RESP	C COMPLETED D YY/MM/DD
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CHUCK DONOVAN		ORG	86/11/26	AVA 870129	
REFERRAL NOTE:				1202	
<i>DOJ</i>				<i>D 86/11/28</i>	
REFERRAL NOTE:				<i>for AVH signature</i>	
<i>VFCC</i>				<i>See MEMO</i>	
REFERRAL NOTE:				<i>D 86/12/11</i>	
REFERRAL NOTE:				<i>for AVH signature</i>	
REFERRAL NOTE:				<i>E 86/12/24</i>	
REFERRAL NOTE:					

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: _____
MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

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*ACTION CODES:          *DISPOSITION              *OUTGOING                *
*                       *                                     *CORRESPONDENCE:        *
*A-APPROPRIATE ACTION  *A-ANSWERED                *TYPE RESP=INITIALS    *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL      *                       *
*D-DRAFT RESPONSE      *C-COMPLETED              *       OF SIGNER      *
*F-FURNISH FACT SHEET  *S-SUSPENDED              *       CODE = A        *
*I-INFO COPY/NO ACT NEC*                                     *COMPLETED = DATE OF  *
*R-DIRECT REPLY W/COPY *                                     *                       *
*S-FOR-SIGNATURE       *                                     *       OUTGOING       *
*X-INTERIM REPLY       *                                     *                       *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE (ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

January 29, 1987

Dear Ms. Tuomy:

Thank you for your recent letter to President Reagan, urging the White House to prevent the Federal courts from abolishing the Fairness Doctrine. We have contacted the Federal Communications Commission, and we understand that an official there responded to your inquiry about the future of the Fairness Doctrine.

The President appreciates the time you took to inform him of your views in support of the Fairness Doctrine. Be assured your concerns have been noted and brought to the attention of his advisers.

With the President's best wishes,

Sincerely,

Anne Higgins
Special Assistant to the President
and Director of Correspondence

Ms. Joyce Tuomy
President
Morality in Media of
Massachusetts, Inc.
111 Cabot Street
Needham Heights, Massachusetts 02194

AVH/RVL/CADforAVH/jfc (1AVH)



U.S. Department of Justice
Office of the Deputy Attorney General
Executive Secretariat

12/11/86

Sally,

my experts say that
this belongs with
the FCC.

Thomas

Herb

THE WHITE HOUSE

WASHINGTON

January 9, 1987

MEMORANDUM FOR ROBERT LUEBKE
STAFF ASSISTANT

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Response to Letter Urging Support for the
Fairness Doctrine

Counsel's office reviewed your draft response to the above-referenced letter. We believe its emphasis on the doctrine of separation of powers is inappropriate in this case. The President is not precluded by judicial decisions on the Fairness Doctrine from expressing his support or opposition to the doctrine.

Since we are unaware of any statements by the President on the Fairness Doctrine, we believe it would be more appropriate to simply thank Ms. Tuomy for her views in support of the doctrine and to assure her that they will be taken into consideration in any discussions or deliberations on this matter.

THE WHITE HOUSE
WASHINGTON

MEMORANDUM

DATE: 11/25/86
TO: Sally Kelley
ACTION:

RECEIVED
DEC 17 1986
ENFORCEMENT DIVISION

- Review/Approval
- Recommendation
- Information Copy
- Draft Reply
- As we discussed

DATE ACTION NEEDED:

COMMENT: Does the computer show anyone at the White House or DOJ working on this issue right now? Thanks.

*nothing on computer - just
this input going to DOJ*

*nothing for
FTC*

CHARLES A. DONOVAN *CD*
Presidential Correspondence
Room 94, OEOP - x7610

*Jessie - 1
Thanks. Let's
go ahead & get a DOJ
reply.
CD*

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

DEC 24 1986

IN REPLY REFER TO:

8330-Z

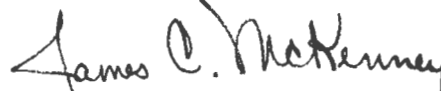
Ms. Sally Kelley
Director of Agency Liaison
Presidential Correspondence
Room 91
The White House
Washington, D.C. 20500

Dear Ms. Kelley:

On December 17, 1986, the Commission received a referral from your office enclosing a White House inquiry from Ms. Joyce Tuomy, President of Morality in Media of Massachusetts, Inc. Ms. Tuomy expresses a concern that the federal courts will abolish the Fairness Doctrine.

I am enclosing a draft for response to Ms. Tuomy, including a Commission letter sent to Ms. Tuomy responding to the same inquiry. I hope that this reply is fully responsive and pursuant to your request your enclosures are being returned.

Sincerely,


James C. McKinney
Chief, Mass Media Bureau

Enclosures

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN REPLY REFER TO:

Ms. Joyce Tuomy, President
Morality in Media of Massachusetts, Inc.
111 Cabot Street
Needham Heights, Massachusetts 02194

Dear Ms. Tuomy:

This is in reference to your recent letter to President Reagan, urging the White House to prevent the federal courts from abolishing the Fairness Doctrine. We have contacted the FCC, and they have provided the enclosed letter, in which they responded to your inquiry about the future of the Fairness Doctrine.

As you may be aware, the U. S. Constitution provides for a separation of powers among the legislative, judicial, and executive branches of the government. Therefore, the White House cannot influence or otherwise interfere with decisions of the federal courts that may affect the Fairness Doctrine. However, as the enclosed letter indicates, until directed otherwise, the FCC will continue to enforce the Fairness Doctrine as it has done in the past.

Sincerely,

Anne Higgins

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

Ms. Joyce Tuomy, President
Morality in Media of Massachusetts, Inc.
111 Cabot Street
Needham Heights, Massachusetts 02194

Dear Ms. Tuomy:

ank you for
~~This is in reference to your recent letter to President Reagan, urging the White House to prevent the federal courts from abolishing the Fairness Doctrine. We have contacted the FCC, and they have provided the enclosed letter, in which they responded to your inquiry about the future of the Fairness Doctrine.~~

As you may be aware, the U. S. Constitution provides for a separation of powers among the legislative, judicial, and executive branches of the *Federal* government. Therefore, the White House cannot influence or otherwise interfere with decisions of the federal courts that may affect the Fairness Doctrine. However, ~~as the enclosed letter indicates, until directed otherwise, the FCC will continue to enforce the Fairness Doctrine as it has done in the past.~~

Sincerely,

Anne Higgins

and we understand that an official there

intends to continue enforcing

is with the President's best wishes,

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

DEC 23 1985

IN REPLY REFER TO:

8330-Z
C12-28

Joyce Tuomy, President
Morality in Media of Massachusetts, Inc.
111 Cabot Street
Needham Heights, Massachusetts 02194

Dear Ms. Tuomy:

Your recent correspondence to Chairman Mark Fowler concerning the Fairness Doctrine has been referred to this office for reply. You enclose a Mobil Corporation ad which appeared in The Boston Globe that advocates the preservation of the Fairness Doctrine. You urge that the Commission "prevent the [federal] court's moving in to defeat and denigrate the action of the legislature on the Fairness Doctrine."

As a preliminary matter, in our 1985 Report to Congress concerning the Fairness Doctrine, we determined that as a policy matter, the Fairness Doctrine no longer serves the public interest. In the Continuing Appropriations Resolution, however, which the 99th Congress passed on the eve of its recent adjournment, the Senate provided that funds appropriated to the Commission "shall be used to consider alternative means of administration and enforcement of the Fairness Doctrine and to report to the Congress by September 30, 1987." Further, the Resolution's Conference Report stated that "[i]t is the intent of the conferees that the Federal Communications Commission shall not change the regulation concerning the Fairness Doctrine without submitting the required report to Congress on this matter."

In the federal court case mentioned in the Mobil ad to which you refer, a three-judge appeals panel established that the "teletext" service is not subject to Fairness Doctrine obligations. The panel found that the Fairness Doctrine is not mandated by statute, which means that the Commission could alter or abolish the doctrine without the permission of Congress. The full appeals court recently denied a rehearing of the case. At this point, the parties will decide whether to appeal the case to the U. S. Supreme Court.

In any event, the Commission does not contemplate any changes to the Fairness Doctrine. Therefore, until directed otherwise by the courts or Congress, the Commission will continue to enforce the doctrine, as it has done in the past.

I hope the foregoing is responsive to your inquiry.

Sincerely,

Milton O. Gross, Chief
Fairness/Political Programming Branch
Enforcement Division
Mass Media Bureau

RECEIVED

DEC 17 1986

ENFORCEMENT DIVISION

fairness
3407

T H E W H I T E H O U S E O F F I C E

REFERRAL

DECEMBER 16, 1986

TO: FEDERAL COMMUNICATIONS COMMISSION

ACTION REQUESTED:

DRAFT REPLY FOR SIGNATURE OF:
ANNE HIGGINS

DESCRIPTION OF INCOMING:

ID: 445899

MEDIA: LETTER, DATED NOVEMBER 22, 1986

TO: PRESIDENT REAGAN

FROM: MISS JOYCE TUOMY
PRESIDENT
MORALITY IN MEDIA OF MASSACHUSETTS,
INC.
111 CABOT STREET
NEEDHAM HEIGHTS MA 02194

SUBJECT: URGES PREVENTING THE FEDERAL COURT DECISION
WHICH WOULD IN EFFECT ABOLISH THE FAIRNESS
DOCTRINE WHICH THE FEDERAL COMMUNICATIONS
COMMISSION HAS A CLEAR MANDATE TO ENFORCE

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

RECEIVED

DEC 17 1986

LEGISLATIVE AFFAIRS
OCPA

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

Memorandum

RECEIVED



DEC 17 1986

ENFORCEMENT DIVISION

Subject Joyce Tuomy <u>ID #445899; Control #6120316808</u>	Date December 11, 1986
To Herb Freuen Executive Secretariat Room 4408 Main	From John C. Phillipini Chief, Legislative Unit Antitrust Division

This letter, which deals with the Fairness Doctrine, is probably best referred to the Federal Communications Commission since that is the agency charged with enforcement responsibilities. The Office of the Solicitor General might have an interest in this letter if it is currently involved in an appeal to the U.S. Supreme Court. However, I suggest having this sent to the FCC as Ms. Tuomy's letter addresses the policy reasons underlying the doctrine.

RECEIVED

DEC 17 1986

ENFORCEMENT DIVISION

T H E W H I T E H O U S E O F F I C E

REFERRAL

DECEMBER 2, 1986

TO: DEPARTMENT OF JUSTICE

ACTION REQUESTED:

DRAFT REPLY FOR SIGNATURE OF:
ANNE HIGGINS

DESCRIPTION OF INCOMING:

ID: 445899

MEDIA: LETTER, DATED NOVEMBER 22, 1986

TO: PRESIDENT REAGAN

FROM: MISS JOYCE TUOMY
PRESIDENT
MORALITY IN MEDIA OF MASSACHUSETTS,
INC.
111 CABOT STREET
NEEDHAM HEIGHTS MA 02194

SUBJECT: URGES PREVENTING THE FEDERAL COURT DECISION
WHICH WOULD IN EFFECT ABOLISH THE FAIRNESS
DOCTRINE WHICH THE FEDERAL COMMUNICATIONS
COMMISSION HAS A CLEAR MANDATE TO ENFORCE

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE



Morality in Media of Massachusetts, Inc.

111 Cabot Street • Needham Heights, Massachusetts 02194 • Tel. (617) 449-5857

November 22, 1986

RECEIVED

DEC 17 1986

ENFORCEMENT DIVISION

PRESIDENT

Joyce Tuomy

VICE PRESIDENT

Robert E. Ward

SECRETARY/TREASURER

Thomas A. Walsh

DIRECTORS

Officers and

Rita Burke

Rev. Mr. Joseph W. Chevarley

Edward F. Darcy

Gerald D'Avolio

Evelyn Dubel

Alfred Fortier

Theodore F. Harrington

Alexandra Mark

Rev. Paul J. Murphy, S.J.

June Newman

George T. Ryan

STATE PLANNING BOARD

Stephan H. Camer M.D.

Charles H. Chambers

Lt., Everett Police Dept.

George A. Coleman Sr., Realtor

Coleman and Sons, Waltham

Nicholas J. Fiumara, M.D.

Consultant, Communicable Diseases

Rabbi Dr. Samuel J. Fox

Congregation Chevra Tehillim, Lynn

Most Rev. Joseph F. Maguire, D.D.

Bishop of Springfield

Vernon H. Mark, M.D.

Neurosurgeon

His Grace, Bishop Methodios

Greek Orthodox Diocese of Boston

Edward B. Hanify Esq.

Ropes and Gray

Most Rev. Lawrence J. Riley, S.T.D.

Auxiliary Bishop of Boston

Richard H. Stanton, M.D.

General Surgeon

Michael A. Valerio

Chairman, Papa Gino's

of America, Inc.

The President
The White House
Washington, D.C. 20500

My dear Mr. President,

Morality in Media is a non-profit, non-sectarian organization working to help stop the pornography traffic constitutionally and effectively and working for media based on love, truth and good taste.

In our work we often come up against powerful interests that care nothing for public morality but only for making profits. If it were not for the Fairness Doctrine we would be helpless against pornography peddlers for a profit. Thus, we become very much concerned when the Doctrine, so essential and so in accordance with the American sense of fair play is threatened.

We think the Mobil Corporation's ad on the Fairness Doctrine (November 10, 1986, The Boston Globe, copy enclosed) expresses very firmly and accurately our strong feelings in this matter.

We are quite uneasy with the Federal Court decision which would in effect abolish the Fairness Doctrine which the Federal Communications Commission has a clear mandate from Congress to enforce. In our years of service to the public we have experienced the need of the opportunity to present contrasting viewpoints on controversial subjects, and we know this need in the pursuit of truth will continue just as urgently as in the past.

Please do whatever you can to prevent the Court's moving in to defeat and denigrate the action of the Legislature on the Fairness Doctrine, so sorely needed today!

Very truly yours,

Joyce Tuomy, President
Morality in Media of Massachusetts, Inc.

Encl.

A level playing field for the marketplace of ideas

The Federal Communications Commission, in an era of deregulation and greater reliance on the marketplace, wants to eliminate the Fairness Doctrine, which it is currently duty-bound to enforce. A federal appeals court has ruled that the FCC has the power to apply the doctrine selectively, and, in effect, scrap it. We believe, in spite of our affinity for deregulation, that doing so would be a grave error.

The Fairness Doctrine evolved from legislation enacted by Congress in 1934 and most recently amended in 1959. It mandates that broadcasters provide fair and balanced presentations of contrasting viewpoints on controversial issues of public importance. In 1969, the Fairness Doctrine was upheld as constitutional by the U.S. Supreme Court, which saw a similarity of purpose between the doctrine and the First Amendment itself: "...to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the government itself or by a private licensee."

As we said, the Fairness Doctrine is government regulation of broadcasters. Unfortunately, this regulation is needed because of the regulated nature of television itself.

Anyone with enough money for a printing press—or a desktop computer printing setup—can start a publication, be it newsletter, broadside, or daily paper. But to start a new TV channel or radio station, one requires a federal license—the beginning of the process of government regulation of broadcasters—good only for a specific channel or wavelength. If the airwaves weren't regulated in this way—if people could broadcast whenever they wished on whatever channel they pleased—the result would be an unintelligible babel. So by definition, to own a licensed TV channel or radio station is to own a monopoly. Let the upstart publisher of a new publication call his product *The New York Times* or *Playboy*, and he faces a lawsuit. But let someone without a license begin broadcasting on an assigned channel, and that person is labeled a pirate, subject to indictment and prosecution by the U.S. attorney on criminal charges. Thus, free speech in broadcasting is obviously different from free

speech in the print media or free speech by individuals or non-media corporations. It's regulated free speech, exclusive by wavelength.

The Fairness Doctrine has been the vehicle for making broadcasters live up to the responsibilities bestowed by this exclusivity, or special monopolistic status. In the best of all possible worlds, the First Amendment's guarantee that "Congress shall make no law...abridging the freedom of speech, or of the press" would be all the regulation needed in those areas. But the authors of the Constitution could have foreseen neither the electronic media nor the need to license broadcasters. And with the need for licensing came the need for the added regulation that protects the public from the abuse of the vast power that goes with the issuance of a broadcast license.

Those who favor eliminating the Fairness Doctrine say that back in the early days of TV, there weren't as many channels as there are today. They argue that the advent of cable TV, satellite transmission and videocassettes makes the doctrine unnecessary. But these are still having a hard time competing with the networks. During prime time, the commercial networks attract more than half of the TV audience, and pollsters continue to report that Americans get the bulk of their news from network TV.

We would be the last to argue that the Fairness Doctrine is a perfect device, or that the networks invariably live up to its spirit. Ads like this one, expressing a point of view, are still largely barred from network TV. But the barriers are less formidable than they used to be. Some broadcasters are even devoting resources to seek out opposing viewpoints, rather than arguing that the Fairness Doctrine infringes on their free speech, because by speaking out they may incur the obligation to find those who differ. That, we submit, is marked progress.

Whatever its shortcomings, the Fairness Doctrine preserves a level playing field in the marketplace of ideas. To abolish it would weaken the oversight over a special class of monopolists—and diminish the First Amendment rights of the rest of us. Whether the FCC likes it or not, the Fairness Doctrine should be preserved.

RECEIVED
DEC 17 1986
EMPLOYMENT DIVISION

R/3

44791055
FG128
PE002-01

THE WHITE HOUSE
WASHINGTON

MVS

April 8, 1987 87 APR 8 P3:36

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT H. TUTTLE *RT*

SUBJECT: Presidential Designation

Attached for your signature is an Order designating DENNIS R. PATRICK, of California, to be Chairman, Federal Communications Commission, to be effective April 18, 1987.

You approved this designation January 8, 1987.

All necessary clearances have been completed.

Announced: 4/5/87

Chairman Fowler to step down on 4/17/87

Order Dated Apr 9 87

O R D E R

- - - - -

Pursuant to the provisions of the Communications Act of 1934, I hereby designate Dennis R. Patrick as Chairman of the Federal Communications Commission.

This Order shall be effective April 18, 1987.

Ronald Reagan

THE WHITE HOUSE,
April 9, 1987.

(Original to DRPatrick via WH messenger on 4/10/87 - Suite 844, 1919 M St., NW)

11/10/87

To RD - 4/8/87
3:30 PM

THE WHITE HOUSE
WASHINGTON

February 4, 1987

MEMORANDUM FOR DAVID CHEW

FROM: ROBERT H. TUTTLE *RT*

SUBJECT: Personnel Announcement

The following personnel announcement is scheduled for release TODAY, February 4, 1987. According to our records, all necessary clearances have been completed. Please arrange with the Press Office the President's intent to designate the following individual:

TODAY, FEBRUARY 4, 1987

R

DENNIS R. PATRICK
(of the District of Columbia)

To be designated Chairman,
Federal Communications
Commission, effective upon the
departure of Mark S. Fowler. (PA)

cc: Holland
Kennedy
Geisler

Announced: 2/5/87

THE WHITE HOUSE
WASHINGTON

February 4, 1987

NOTE FOR MARLIN FITZWATER

We have double-checked this with Legislative Affairs and Counsel. This is ready for release tomorrow.

David L. Chew

2/4 OK per Marianne
OK per Diane

THE WHITE HOUSE
WASHINGTON

February 4, 1987

87 JAN 4 AIO: 53

MEMORANDUM FOR DAVID CHEW

FROM: ROBERT H. TUTTLE *RT*

SUBJECT: Personnel Announcement

The following personnel announcement is scheduled for release TODAY, February 4, 1987. According to our records, all necessary clearances have been completed. Please arrange with the Press Office the President's intent to designate the following individual:

TODAY, FEBRUARY 4, 1987

DENNIS R. PATRICK
(of the District of Columbia)

To be designated Chairman,
Federal Communications
Commission, effective upon the
departure of Mark S. Fowler. (PA)

cc: Holland
Kennedy
Geisler

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

April 3, 1987

OFFICE OF
THE CHAIRMAN

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C.

My dear Mr. President:

Pursuant to my letter to you of January 16, 1987,
this is to advise you that I intend to step down from
the Commission on April 17, 1987.

Again Mr. President, thank you for the opportunity
to serve in your grand administration.

Sincerely,



~~Mark S. Fowler~~

PATRICK, DENNIS

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 5, 1987

The President today announced his **intention** to designate Dennis R. Patrick to be Chairman, Federal Communications Commission, effective upon the departure of Mark S. Fowler.

Since December 1983, Mr. Patrick has been a Member with the Federal Communications Commission. Previously, he was a Special Assistant to the Assistant Secretary of Commerce for Communications and Information, Department of Commerce, October 1983-December 1983; an Associate Director, Presidential Personnel, The White House, January 1982-October 1983; and an attorney with the firm of Adams, Duque & Hazeltine in Los Angeles.

Mr. Patrick graduated from Occidental College (A.B., 1973) and the University of California at Los Angeles (J.D., 1976). He resides in Washington, D.C. and was born June 1, 1951 in Los Angeles, California.

#

NOTE: It is not precisely known when Fowler's resignation is effective. PPO will inform us of his actual date of departure.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 5, 1987

The President today announced his intention to designate Dennis R. Patrick to be Chairman, Federal Communications Commission, effective upon the departure of Mark S. Fowler.

Since December 1983, Mr. Patrick has been a Member with the Federal Communications Commission. Previously, he was a Special Assistant to the Assistant Secretary of Commerce for Communications and Information, Department of Commerce, October 1983-December 1983; an Associate Director, Presidential Personnel, The White House, January 1982-October 1983; and an attorney with the firm of Adams, Duque & Hazeltine in Los Angeles.

Mr. Patrick graduated from Occidental College (A.B., 1973) and the University of California at Los Angeles (J.D., 1976). He resides in Washington, D.C. and was born June 1, 1951 in Los Angeles, California.

#

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

R = 13174
FS = 2

FG128

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 87,02,06

Name of Correspondent: John Danforth

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: recommends Allen Moore for vacancy on FCC.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>✓ CB REGA</u>	ORIGINATOR	<u>87,02,06</u>			<u>C 87,02,06</u>
<u>✓ PP TOTT</u>	<u>A</u>	<u>87,02,10</u>	<u>RT</u>		<u>A 87,02,12</u>
<u>PP Sullivan</u>	<u>A</u>	<u>87,02,13</u>			<u>C 87,02,17</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: See Mr. Reagan's note.

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOP).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: _____ Individual Codes: _____

Prime Subject Code: _____ Secondary Subject Codes: _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C		Time: _____	P- _____
DSP		Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence**
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package**
- C - Copy**
- D - Official document**
- G - Message**
- H - Handcarried**
- L - Letter**
- M - Mailgram**
- O - Memo**
- P - Photo**
- R - Report**
- S - Sealed**
- T - Telegram**
- V - Telephone**
- X - Miscellaneous**
- Y - Study**

MTS

February 12, 1987

Dear Senator Danforth:

Thank you for your recent letter to President Reagan on behalf of Allen Moore.

It will be necessary for us to have a resume in order that we may give careful consideration to your candidate's credentials.

We appreciate your interest and look forward to receiving the resume which will assist us in expediting the evaluation process.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

The Honorable John Danforth
United States Senate
Washington, DC 20510

NYS

February 12, 1987

Dear Senator Hollings:

Thank you for your recent letter to President Reagan on behalf of Allen Moore.

It will be necessary for us to have a resume in order that we may give careful consideration to your candidate's credentials.

We appreciate your interest and look forward to receiving the resume which will assist us in expediting the evaluation process.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

The Honorable Ernest Hollings
United States Senate
Washington, DC 20510

MKS

February 12, 1987

Dear Senator Inouye:

Thank you for your recent letter to President Reagan on behalf of Allen Moore.

It will be necessary for us to have a resume in order that we may give careful consideration to your candidate's credentials.

We appreciate your interest and look forward to receiving the resume which will assist us in expediting the evaluation process.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

The Honorable Daniel Inouye
United States Senate
Washington, DC 20510

NYS

February 12, 1987

Dear Senator Kassebaum:

Thank you for your recent letter to President Reagan on behalf of Allen Moore.

It will be necessary for us to have a resume in order that we may give careful consideration to your candidate's credentials.

We appreciate your interest and look forward to receiving the resume which will assist us in expediting the evaluation process.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

The Honorable Nancy Kassebaum
United States Senate
Washington, DC 20510

RECOMMENDATION ROUTING TICKET

CANDIDATE: Moore, Allan

RCVD BY: Por/RHT RECAGCY: FCC

RECPOS: MBR

LTR# SENT: 15 PROCESS?: Y N

TO AD: ANF KXB ALB CAB (MXS) SEP RHT

DATE TO AD: 870212 AD TO FILES: _____

RACCNR: 13174 FILESTAT: 2

INCOMPLETE RESUME

BAT: _____ LTR1 & FILESTAT W

COMPLETE RESUME

BAT: _____ LTR1 & FILESTAT C

YOB: _____ SSN: _____

AFTER REVIEW

FILESTAT:	AD	CF
POLRTG:	P	1
POLRTG:	P	1
RTGLVL:	1 (PAS)	2 (PA)
	3 (SES)	4 (SKC)

PAS/SES-LEAD: ANF ALB
MXS SEP

PA-LEAD: CAB

SKC-LEAD: ERS

PARTY: _____ 1980 DOM: _____

RECFOR: _____ AT: _____



UNITED STATES SENATE
WASHINGTON, D. C.

449059

JOHN C. DANFORTH
MISSOURI

Bob Tuttle

February 5, 1987

Honorable Donald Regan
Chief of Staff to the President
The White House
Washington, D. C. 20500

Dear Don:

Attached is a copy of a letter to the President regarding Allen Moore's candidacy for the FCC vacancy. It is representative of the bipartisan respect Members of the Senate have for him. I could collect a very long list of names.

The letter does not say what I have already told you about his philosophical views, which I believe to be totally consistent with those of the President.

Allen is scheduled to see Bob Tuttle next week. Unfortunately, I will be out of the country all week, but I hope to visit with you about this on my return.

Sincerely,

Enclosure



UNITED STATES SENATE
WASHINGTON, D. C.

1987 FEB -6 PM 2:15

JOHN C. DANFORTH
MISSOURI

February 5, 1987

Mr. Robert H. Tuttle
Deputy Assistant to the President and
Director of Presidential Personnel
The White House
Washington, D. C. 20500

Dear Bob:

I have enclosed a copy of a letter to the President supporting Allen Moore's candidacy for the FCC. It is a small sample of his bipartisan support on the Committee and in the Senate.

I know he is scheduled to see you on Monday. I think you will be impressed. Unfortunately, I will be out of the country all week, but I will get in touch on my return.

Thank you again for your consideration of Allen, I don't think you'll regret it.

Sincerely,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

Enclosure

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN

DANIEL K. INOUE, HAWAII
WENDELL H. FORD, KENTUCKY
DINA D. W. RIGGS, JR., MICHIGAN
J. JAMES EXON, NEBRASKA
ALBERT GORE, JR., TENNESSEE
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
LLOYD BENTSEN, TEXAS
JOHN F. KERRY, MASSACHUSETTS
JOHN B. BREAU, LOUISIANA
BROCK ADAMS, WASHINGTON

JOHN C. DANFORTH, MISSOURI
BOB PACKWOOD, OREGON
NANCY LANDON KASSEBAUM, KANSAS
LARRY PRESSLER, SOUTH DAKOTA
TED STEVENS, ALASKA
BOB KASTEN, WISCONSIN
PAUL S. Trible, JR., VIRGINIA
PETE WILSON, CALIFORNIA
JOHN MCCAIN, ARIZONA

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

RALPH B. EVERETT, CHIEF COUNSEL AND STAFF DIRECTOR
W. ALLEN MOORE, MINORITY CHIEF OF STAFF

February 3, 1987

The President
The White House
Washington, D. C. 20500


Dear Mr. President,

We are writing to give our strong endorsement to Allen Moore to fill the vacancy on the Federal Communications Commission.

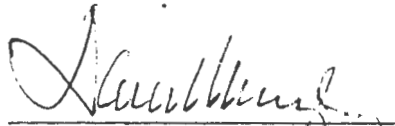
As chief of staff of the Senate Commerce Committee these past two years, Allen has consistently shown uncommon leadership, fairness, and intelligence in his dealings with us and in his day-to-day management of the Committee's operations.

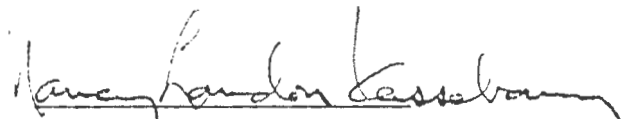
His knowledge of communications issues, the Commerce Committee, and the Congress generally would be valuable additions to the FCC. Allen is a person of ability and integrity that we would want to work with in the future.

Sincerely,


Ernest F. Hollings


John C. Danforth


Daniel K. Inouye


Nancy Landon Kassebaum

THE WHITE HOUSE
WASHINGTON

February 18, 1986

449328

7-911
17-128

16101001

Dear Craig:

Thank you for your note, enclosed material and book. It was good to hear from you.

To be of help I am contacting Bob Tuttle's office to ask that they visit with you regarding your interest in the Federal Communications Commission. I am certain you will hear from them directly in the near future.

Sincerely,



W. Dennis Thomas
Assistant to the President

Craig Smith, Ph.D.
Freedom of Expression Foundation
414 South Capitol Street, S. E.
Washington, D. C. 20003

THE WHITE HOUSE
WASHINGTON
2/18/86

Bob:

I would appreciate your having
the appropriate person in your
office visit with Craig Smith
regarding his interest in the
Federal Communications Commission.

Dennis Thomas

*Checked w/ Cores.
w/ note to Fiddle*

FREEDOM OF EXPRESSION FOUNDATION

"For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left to combat it." — Thomas Jefferson

DR. CRAIG R. SMITH
President

February 12, 1986

Mr. Dennis Thomas
Office of the Chief of Staff
The White House
Washington, D.C. 20501

Dear Dennis:

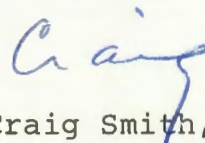
As I recall, we first met when you were the Administrative Assistant to Senator Roth and I was Director of Senate Services for the Republican Conference under the direction of Bob Packwood. Since that time we have both done a little moving around.

I left coordinating the AA's meetings and speech writing for Senators to run Packwood's re-election campaign in 1980, became Deputy Director of the Republican Senatorial Committee, and eventually wound up running this Foundation for the last three years. The enclosed resume should help you sort out the details.

In my capacity as President of the Foundation, I have had the opportunity to work with the leadership of the media community, testify before Congress on communication matters, and do research that is currently being distributed to college campuses. The President and Mark Fowler, his FCC Chairman, support the deregulatory position of the Foundation. (See enclosed memo on our activities and accomplishments.) All of this has resulted in my achieving a good deal of credibility in the area of communications deregulation. (See attached letters from Mark Fowler, Drew Lewis, and others.)

It is my understanding that there will be an opening for a Republican member of the Federal Communications Commission this summer. I would very much like the support of the Administration for that opening. If you have a time when we can talk over the phone, over lunch, or over a drink, please have your people there get in touch with me. I'd be glad to get together with you to catch up on old times and to discuss this matter in detail.

Sincerely,



Craig Smith, Ph.D.

Enclosures