

Reagan Library Topic Guide – Fairness Doctrine

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FAIRNESS DOCTRINE

Scope and Content Note

The Fairness Doctrine, enforced by the Federal Communications Council, was rooted in the media world of 1949. Lawmakers became concerned that the monopoly audience control of the three main networks, NBC, ABC and CBS, could misuse their broadcast licenses to set a biased public agenda.

The Fairness Doctrine mandated broadcast networks devote time to contrasting views on issues of public importance. Congress backed the policy in 1954 and by the 1970s the FCC called the doctrine the “single most important requirement of operation in the public interest – the *sine qua non* for grant of a renewal of license.

The Supreme Court upheld the doctrine. In 1969’s *Red Lion Broadcasting Co. v. FCC*, journalist Fred Cook sued a Pennsylvania Christian Crusade radio program after a radio host attacked him on air. In a unanimous decision, the Supreme Court upheld Cook's right to an on-air response under the Fairness Doctrine, arguing that nothing in the First Amendment gives a broadcast license holder the exclusive right to the airwaves they operate on.

The doctrine stayed in effect, and was enforced until the Reagan Administration. In 1985, under FCC Chairman, Mark S. Fowler, a communications attorney who had served on Ronald Reagan's presidential campaign staff in 1976 and 1980, the FCC released a report stating that the doctrine hurt the public interest and violated free speech rights guaranteed by the First Amendment. Fowler began rolling the application of the doctrine back during Reagan's second term - despite complaints from some in the Administration that it was all that kept broadcast journalists from thoroughly lambasting Reagan's policies on air. In 1987, the FCC panel, under new chairman Dennis Patrick, repealed the Fairness Doctrine altogether with a 4-0 vote

The FCC vote was opposed by members of Congress who said the FCC had tried to "flout the will of Congress" and the decision was "wrongheaded, misguided and illogical." The decision drew political fire and tangling, where cooperation with Congress was at issue. In June 1987, Congress attempted to preempt the FCC decision and codify the Fairness Doctrine, (Fairness in

Broadcasting Act of 1987 S. 742)/

The bill passed but the legislation was vetoed by President Ronald Reagan. Congress was unable to muster enough votes to overturn the President's veto.

This topic guide contains material on the doctrine itself, the vote on the Fairness in Broadcasting Act of 1987, the President's subsequent veto and the aftermath of this vote.

WHORM SUBJECT FILE

| | |
|--------------------------|---|
| BE003-04 | case files 202860, 490374 |
| FG006-01 | case files 049984, 088624, 516092, 527477 |
| FG010-03 | case files 317308, 474465, 474466 |
| FI004 | case files 527410, 545912, 549208 |
| HU010 | case files 468316, 486661 |
| LE | case file 494224 |
| LE002 | case files 519825, 520853 |
| PR007-02 | case file 475250 |
| PR013 | case files 224113, 608042 |
| PR014-08 | case file 505038 |
| PR016 | case files 493926, 494257, 496840 |
| PR016-01 | case files 045485, 055908, 503502 |
| PU | case file 398374 |
| SP287-20 | Entire Category (Veto, S. 742, 06/19/1987) |
| UT001 | case files 367381, 524547 |
| UT001-01 | case files 475192, 487909, 493899, 494224, 495557, 498700, 499114, 499115, 499272, 499597, 499598, 502980, 504439, 504938, 505278, 505535, 505705, 505710, 516681, 517464, 518278, 537222, 537281, 537312, 537340, 537379, 539196, 546514, 546625, 546625, 546514, 548179 |

WHITE HOUSE STAFF AND OFFICE FILES

CABINET SECRETARY

Risque, Nancy: Files
OA 18381
Fairness Doctrine

CHIEF OF STAFF, OFFICE OF THE

Baker, Howard: Files
Box 2
Fairness Doctrine

COMMUNICATIONS, OFFICE OF

Gergen, David: Files
OA 9022
Fairness Doctrine

COUNCIL OF ECONOMIC ADVISERS

Sprinkel, Beryl: Files
OA 17747
04/15/1987 (1:30 p.m.) Domestic Policy Council Meeting re: Fairness Doctrine

COUNSEL TO THE PRESIDENT, OFFICE OF

Cooksey, Sherrie M.: Files
OA 11724
SMC/Fairness Doctrine (1)-(3)

Keisler, Peter D.: Files
Box 15
Fairness Doctrine (1)-(3)

Kruger, Robert M.: Files
OA 18392
RMK/Fairness Doctrine

Raul, Alan Charles: Files
OA 19144
Fairness Doctrine

COUNSELLOR TO THE PRESIDENT, OFFICE OF THE

Cribb, T. Kenneth: Files
OA 11849A
Fairness Doctrine in Broadcasting Support Letters, April 1982
Fairness Doctrine in Broadcasting Support Letters, May 1982 (1)(2)
Fairness Doctrine in Broadcasting Support Letters, June 1982 (1)(2)

Fairness Doctrine in Broadcasting Support Letters, July 1982

DOMESTIC AFFAIRS, OFFICE OF

Cribb, T. Kenneth: Files

Box 10

Veto Recommendation for the Fairness in Broadcasting Act, 06/17/1987

Box 11

DPC (Domestic Policy Council) Meeting, 04/15/1987 re: Fairness Doctrine

DOMESTIC POLICY COUNCIL

Bledsoe, Ralph: Files

Box 36

340 – Fairness Doctrine (1)(2)

Sweet, Robert: Files

Box 29

Fairness Doctrine: Republican Policy Committee Legislative Notice

EXECUTIVE CLERK

Executive Clerk, White House Office of the: Bill Reports

Box 80

06/22/1987 S. 742 (Fairness in Broadcasting Act of 1987) – Veto (1)-(3)

LEGISLATIVE AFFAIRS, OFFICE OF

Ball, William: Files

OA 15332

Fairness Doctrine I

Fairness Doctrine II

Bockorny, David: Files

OA 17458

Fairness Doctrine

OA 17459

Fairness Doctrine (1)(2)

Harlow, Bryce Larry: files

OA 17036

Fairness Doctrine/S.742

MEDIA RELATIONS, OFFICE OF

Board, Elizabeth: Files

Box 10

Fairness Doctrine

Media Relations, Office of: Records
Box 62
Fairness Doctrine Veto 06/20/1987

POLICY DEVELOPMENT, OFFICE OF
Policy Development, Office of: Records
OA 6190
Fairness Doctrine

Public Affairs, White House Office of: Records
OA 18016
Fairness Doctrine

OA 19208
Fairness Doctrine 06/23/1987