

STATEMENT OF COMMISSIONER JAMES H. QUELLO
ON THE FAIRNESS DOCTRINE

I admit to some ambivalence regarding a doctrine which causes a government agency to interfere in any way with rights guaranteed by the First Amendment. The First Amendment was written, after all, to protect us from government intrusion into our inherent rights to freedom of speech and religion and those rights must be protected. Philosophically, I believe broadcast journalists are entitled to the same freedom as journalists in other media, and that they have demonstrated over the years their ability to act independently and responsibly.

The Federal Communications Commission is charged, however, by statute, with the responsibility of maintaining a climate of fairness in the use of broadcast facilities and that responsibility must be met. The Courts have held, of course, that this is affirmation of our First Amendment rights and the Commission seems to have been given considerable latitude in interpreting and enforcing the "fairness" concept. However, my position is that we should promote freedom of speech in the same affirmative sense the courts appear to have suggested rather than to erect a structure of rules and regulations so onerous to public and broadcaster alike that they have the effect of limiting, rather than promoting, this precious freedom.

I believe that the Fairness Report which has been under consideration by the Commission does accomplish the protection which Congress mandated in the Act (Section 315(a)) and, yet, does not impose a heavy regulatory burden on anyone concerned. Broadcasters who are concerned about First Amendment protection should have no trouble living with this new interpretation of the Doctrine even though they may share my philosophical view. . . . and the public will continue to have assurance that a variety of viewpoints will be presented on each significant issue of public importance.