

August 7, 1985

**Concurring Statement of
FCC Commissioner James H. Quello**

In re: Inquiry into the General Fairness Doctrine Obligations
of Broadcast Licensees.

This Report contains a very well reasoned and persuasive indictment of the fairness doctrine. It presents conclusive evidence that the doctrine is unnecessary and that it does not further its purpose of encouraging the presentation of controversial issues of public importance. The Report strongly documents its ultimate conclusion that the fairness doctrine does not serve the public interest, and I fully support that conclusion.

I wish to emphasize, however, my determination that this record compels the conclusion that Congress intended to codify the fairness doctrine as part of the 1959 amendments to the Communications Act.¹ The Commission has long acquiesced in the view that the fairness doctrine was codified by these amendments,² and, thus, the burden of proof must rest with those who would urge that the agency itself has authority to eliminate the doctrine. In my view, nothing in the record contradicts the clear language of section 315(a) which states that licensees have an "obligation imposed upon them under [the Communications Act] to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."³

Since I believe that the doctrine has been codified, I concur in the decision to defer to Congress on this matter.

¹ See Act of September 14, 1959, Pub. L. No. 86-274, § 1, 73 Stat. 557 (amending 47 U.S.C. § 315(a) (1952)).

² See, e.g., Fairness Report, 48 F.C.C.2d 1, 1 (1974).

³ 47 U.S.C. § 315(a) (1984).

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