[Fairness Doctrine | Ronald Reagan](https://www.reaganlibrary.gov/archives/topic-guide/fairness-doctrine)

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* [Topic Guide](https://www.reaganlibrary.gov/archives/topic-guides)

**Topic Guide**

Fairness Doctrine

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Description

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 In 1987, the FCC panel, under new chairman Dennis Patrick, repealed the Fairness Doctrine altogether with a 4-0 vote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.

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