

## Reflections on The Fairness Doctrine, History & Archives

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By Thomas Beck, AIA, NCARB

In our current climate of culture wars, it is possible for the major networks both to choose not to broadcast a major presidential address by the current, duly elected President of the United States, POTUS 46, and cover in-depth the lies and grievances of the former president, POTUS 45.

For those too young to remember a time when all broadcast media was required to present factual and balanced coverage of the news, here is a summary contained on the National Archives website. “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.” (<https://www.reaganlibrary.gov/archives/topic-guide/fairness-doctrine>) The doctrine was in effect until 1987, when the FCC repealed it. Congress attempted to codify the doctrine in the Fairness in Broadcasting Act of 1987, which passed but was vetoed by Ronald Reagan, POTUS 40, despite objections within his own administration “that it was all that kept broadcast journalists from thoroughly lambasting Reagan's policies on air”.

The false claims of voter fraud began after POTUS 45 WON the 2016 election. He got consistent coverage of these false claims throughout his term, and since losing the 2020 election.

Fast forward to 2022, in which we can no longer depend on the major broadcast companies, ABC, CBS, NBC, and PBS, to present a live broadcast of a major speech by our sitting president. Instead, apparently, we can expect them not to present our sitting president’s speeches in real time, justifying their actions by claiming his statements are a campaign event. Meanwhile, the networks spent the years 2017 to 2021 covering every tweet, rally, and reality TV event of POTUS 45, and continue to give him extensive free airtime.

How are we to trust our history, if former presidents are allowed to carry away, and haphazardly store, documents belonging to the people of the USA?

Here is a publicly accessible link to the National Archives regarding Unauthorized Disposition of Federal Records. (<https://www.archives.gov/records-mgmt/resources/unauthorizeddispositionoffederalrecords>) The National Archives preserves the Presidential White House Websites. <https://www.archives.gov/presidential-libraries/archived-websites>. Back when he became president, POTUS 45 ordered changes to information contained on the official websites of the USA.

From January 29, 2020, “In an administration that adopted the term “alternative facts” the decision of the National Archives and Records Administration to blur out from a photograph of the 2017 Women’s March pejorative references in signs to President Trump at first blush seems like par for the course. After all, this is the administration whose top weather expert, the National Oceanic and Atmospheric Administration, defended the President’s altered weather map falsely suggesting Alabama was in the path of Hurricane Dorian.” Ultimately the National Archives saw the error of its ways and presented the historically correct version of the photo.

<https://www.citizensforethics.org/reports-investigations/crew-investigations/national-archives-presidential-records/>

In October 2017 Politico wrote about the National Archives warnings to the White House to preserve documents, as well as concerns about the use of personal email accounts, an issue which POTUS 45 made a huge deal about in his presidential campaign against former Secretary of State Hillary Clinton. (<https://www.politico.com/story/2017/10/17/national-archives-trump-documents-preserve-243888>)

The PBS Newshour reported on Jan 16, 2021, “Presidential records were considered a president’s personal property until the Watergate scandal under President Richard Nixon prompted Congress in 1978 to pass the Presidential Records Act over worry that Nixon would destroy White House tape recordings that led to his resignation.

After that, presidential records were no longer considered personal property but the property of the American people — if they are preserved. Lawmakers have introduced legislation to require audits of White House record-keeping and compliance with the law.”

<https://www.pbs.org/newshour/politics/will-trumps-mishandling-of-records-leave-a-hole-in-history>

The following items are culled from a comprehensive list compiled from multiple news sources, <https://www.mcsweeneys.net/articles/the-complete-listing-atrocities-1-1056>:

“#48 - January 22, 2017 – Senior White House counselor Kellyanne Conway said that Sean Spicer’s false statements about the crowd size at Donald Trump’s inauguration were not lies, but “alternative facts.””

“#52 - January 24, 2017 – Donald Trump barred all employees of the Environmental Protection Agency from posting on social media or speaking with reporters about their work.”

“#96 - February 16, 2017 – Staff at the United States Department of Agriculture were given a list of “blacklisted” terms which the agency would no longer use in their scientific research. The memo instructed scientists to replace “climate change” with “weather extremes,” and “reduce greenhouse gases” with “build soil organic matter, increase nutrient use efficiency.”

“#146 - March 29, 2017 – Politico reported a supervisor at the Energy Department’s Climate Office banned the phrases “Climate Change,” “Emissions Reduction,” and “Paris Agreement” from all communications. Instead, workers were told to more frequently reference “jobs” and “infrastructure.””

“#193 - April 28, 2017 – The Environmental Protection Agency removed or altered all information about climate change on its website. The EPA claimed that this update sought to “reflect the approach of new leadership.””

We can see the first 100 days of POTUS 45’s administration included a great deal of activity spinning and altering the official record.

It is very important that we pay close attention to the actions of any administration. The loss of the Fairness Doctrine in 1987 made it possible for lies to parade as truth without consequence. The ease of altering digital content is a serious matter we must address if we wish to preserve historical accuracy.

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