

sued in 1949, and later incorporated in Section 315, the political-broadcasting law. That question, the court said, need not be decided in the case before it.)

The court noted the commission claims that the development of an informed public opinion through the public dissemination of news and ideas covering the vital issues of the day is the "keystone" of the fairness doctrine as well as the rules in question.

"The commission assumes, however," the court said, "that television viewers and radio listeners are in fact ill-informed, that they are isolated from other media of communication, and that those other media do not fully inform them of all sides of controversial public issues. We do not believe this assumption is warranted."

Distinctions

The seventh-circuit opinion discussed in some detail what it considered to be "two crucial differences" between the specific rules in question and the fairness doctrine itself.

"A major premise underlying the fairness doctrine is the commission's trust in the good faith and sensible judgment of a broadcast licensee in dealing with personal attacks and po-

litical editorials in a fair and reasonable manner," the court said. "Under the rules here in question, however, much of the licensees' discretion is replaced by mandatory requirements applicable to each broadcast."

The other difference between the specific rules and the fairness doctrine, the court said, is that the only sanction for noncompliance with the fairness doctrine is the possibility a license might not be renewed if a review of overall performance found renewal not to be justified under the standards of the public interest, convenience and necessity.

Under the specific rules, however, the court noted, the licensee faces a range of sanctions, including fines, that could be determined on the basis of a single broadcast.

"As a consequence," the court concluded, "whatever discretion is still reposed in a licensee under the new rules with respect to his handling of personal attacks and political editorials must be exercised in the face of the omnipresent threat of suffering severe and immediate penalties."

The court said: "Strict compliance with the rules might result in a blandness and neutrality pervading all broadcasts arguably within the scope of the rules. Apparently the commission views programing which takes sides on a given issue to be somehow improper or contrary to the public in-

terest," the court said. "Thus, in explaining its failure to exempt documentaries from the personal attack rules," the court continued, "the commission stated in its memorandum opinion of August 7, 1967, 'that a documentary, even though fairly presented, may necessarily embody a point of view.'"

"This statement and the thrust of the rules themselves reflect an apparent desire on the commission's part to neutralize (or perhaps eliminate altogether) the expression of points of view on controversial issues and political candidates. Such a result would be patently inconsistent with protecting the invaluable function served by the broadcast press in influencing public opinion and exposing public ills."

In addition to RTNDA, CBS and NBC, the petitioners before the seventh circuit court included the following: Bedford Broadcasting Corp., Central Broadcasting Corp., the Evening News Association, Marion Radio Corp., RKO General Inc., Royal Street Corp., Roywood Corp. and Time-Life Broadcast Inc.

The case for RTNDA and the station groups was argued in the court by Archibald Cox, former solicitor general; for NBC, by Raymond Falls Jr.; for CBS, by Lloyd N. Cutler; for the FCC, by Daniel Ohlbaum, the agency's deputy general counsel.

Streator, Ill. - We were indeed sorry to hear that some of the stations dropped your program. We are enclosing our check for \$50.00 to help you catch up. People evidently forget during the summer months that this kind of work must be supported.

Coal Creek, Colo. - How I praise God that there are enough loyal Americans and Christian people to keep you going. I'm sending you a check that I've had my name on for several days waiting on God to lead as to when I should send it. He made it plain today when I tuned in to your broadcast, so may God multiply this small sum many times over.

Lyons, Kans. - I'm so sorry about the decline in funds. How we need the broadcast, for "Truth is scarce these days"! I'm enclosing with my monthly pledge \$10.00 to help meet the need.

San Diego, Calif. - Enclosed please find a check to help you "catch up" this "catch up" month. I praise God and thank Him every day for your untiring efforts to preserve this nation and "the faith once delivered unto the saints". No, Dr. McIntire, you are not a man without a country. Whoever said that is living in darkness and needs our prayers. It is my firm belief that it is men like yourself--God fearing, courageous, faithful, zealous--who made this country great. You, sir, are a part of the real America and will go down in history with Lincoln, Jefferson, Moody, and a legion of other great men.