

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Joint Resolution 11 (Senators Harris and Mooney)
Judicial Proceedings

Opposition to the Reinstatement of the Fairness Doctrine

This joint resolution urges opposition to the reinstatement of the Fairness Doctrine in any form through either Federal Communications Commission (FCC) or congressional action.

Fiscal Summary

State Effect: The bill does not directly affect State finances or operations.

Local Effect: The bill does not directly affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law/Background: Adopted by FCC in 1949, the Fairness Doctrine required broadcast media licensees to provide (1) coverage of vitally important controversial issues of public interest; and (2) a reasonable opportunity for the presentation of contrasting views on such issues.

In 1987, the Syracuse Peace Council filed a complaint with FCC against the licensee of a local television station. The local television station had broadcast a paid advertisement that supported nuclear power; in response, the Syracuse Peace Council argued that, as a matter of public interest, the group should be allowed to present an opposing view. In adjudicating the Syracuse Peace Council's complaint, FCC voted unanimously to abolish the Fairness Doctrine, arguing that it unconstitutionally restricted the free-speech rights of broadcast journalists. The Syracuse Peace Council appealed FCC's ruling to the

U.S. Circuit Court of Appeals for the District of Columbia. In 1989, the appellate court held that FCC acted within its authority in abolishing the Fairness Doctrine.

In the first session of the 111th U.S. Congress, the Senate adopted an amendment to the District of Columbia Voting Rights Act (S.160) proposed by Senator Jim DeMint (R-SC). Senator DeMint's amendment prohibits FCC from prescribing any rule or regulation that reinstates the Fairness Doctrine. However, the Senate adopted an additional amendment to S.160 proposed by Senator Richard Durbin (D-IL) that requires FCC to promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

On February 26, 2009, the District of Columbia Voting Rights Act passed the Senate by a vote of 61 to 37. The bill has been sent to the House of Representatives, which is also considering its version of the District of Columbia Voting Rights Act, H.R. 157.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *The New York Times*, Library of Congress, Department of Budget and Management, Judiciary (Administrative Office of the Courts), Maryland Public Broadcasting Commission, Department of Legislative Services

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mlm/mcr

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