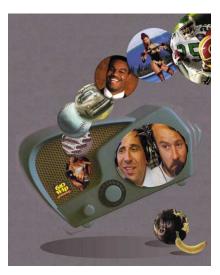


## Editorial: Good riddance to fairness doctrine

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The fairness doctrine in broadcasting sounds like it would be so, well, fair. Why is it our Editorial Board believes that the end of the dormant policy, killed Aug. 22 by the Federal Communications Commission, is a good development? The truth is, there never was anything "fair" about it.

The fairness doctrine was imposed by the FCC in 1949. It required that TV and radio stations broadcast public policy discussions and that contrasting sides of issues be presented. Given that all stations were licensed by the FCC, violations could lead to the suspension of a license.

It seemed reasonable at a time of three major TV networks – ABC, NBC and CBS – in large cities, and as few as one network in many rural areas. Radio mostly was the AM band, with FM coming into its own in the 1960s. If one view were presented, citizens might never hear of anything else.

But the result was the dull newscasts of the day. As veteran First Amendment defender and Village Voice columnist Nat Hentoff has pointed out, instead of the doctrine incentivizing broadcast of more and varied views, especially in smaller markets, it prompted TV and radio stations to take a cheaper and easier route, one less likely to draw fire from regulators for being one-sided – they settled for no views.

And, over time, conservatives and libertarians protested that supposedly "objective" news reports, which didn't need a rebuttal, were "biased" in a liberal direction. The protesters wrote such books as "The News Twisters" in 1971 by Edith Efron, a senior editor at TV Guide magazine; and her follow-up in 1972, "How CBS Tried to Kill a Book."

Opponents of the doctrine cited the First Amendment's right to freedom of speech and the press. The argument defending the doctrine was that TV and radio used scarce broadcast waves and that, to ensure all voices were adequately represented, they needed to be regulated. The U.S. Supreme Court upheld that argument in a 1969 decision.

In the 1970s, the doctrine began to look silly as cable TV and FM radio proliferated, providing many more choices to listeners. In 1987, under President Ronald Reagan, the FCC suspended – but didn't kill – the doctrine. The result was the proliferation of no-holds-barred talk radio and news TV we enjoy today. Although sometimes offensive, the proliferation certainly has enlivened debate. And many voices are, indeed, heard.

"By the time Ronald Reagan put [the doctrine] aside, it was well past time for any need for it," John Samples told us; he's director of the Center for Representative Government at the libertarian Cato Institute. He pointed out that, at the beginning of the Obama administration in early 2009, the FCC was pushing for a full-scale return of the doctrine. So it's significant that the same administration now is officially scrapping it.

Indeed, the doctrine is even more absurd in the world of 2011, with hundreds of channels on cable TV, thousands on satellite TV and an almost infinite amount of information on the Internet and widespread use

of social media.

However, like a zombie from a bad movie on late-night cable, the doctrine could come back to life. "For some years, as part of having a broadcasting license, some in the FCC have pushed for having a local group advise you on content on the TV or radio," Mr. Samples warned. "That proposal has been ready for several years. It's not clear who would determine policy."

So, the fight against the unfair fairness doctrine continues.

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