

RSC Outlook: Censorship and the So-Called “Fairness Doctrine”

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Bringing Back Unfairness: Not long after Democrats took control of Congress in 2007, many in their leadership (including House Speaker Nancy Pelosi, Majority Leader Steny Hoyer, and former Presidential nominee Senator John Kerry) publicly asserted the need to restore the so-called “Fairness Doctrine.” The Fairness Doctrine was a regulation promulgated by the Federal Communications Commission (FCC) in 1949 that required over-the-air broadcasters to present opposing viewpoints on controversial issues of public importance. Realizing this rule was outdated and of questionable constitutionality, President Reagan had the wisdom to instruct the FCC to formally repeal the Fairness Doctrine in 1987. Now, over 20 years later, many Democrats are intent on reinstating this federal speech control, presumably because conservative talk radio has been exceedingly more successful than liberal talk radio.

Democrats Re-energized: With control of the legislative and executive branches, it appears many Democrats are re-energized in their quest to control the airwaves. Last week, in the February 9th Washington Post, liberal pundit Bill Press wrote a [column](#) insinuating that major conglomerations are the reason few liberal voices can be heard in major media markets. After reading the article, Senator Tom Harkin (D-IA) stated he “ripped it out, took it into (his) office and said ‘there you go, we gotta get the Fairness Doctrine back in law again.’” Senator Debbie Stabenow (D-MI) told Mr. Press that it was “time to be bringing accountability to the airwaves” and even hinted at holding hearings on the matter. On February 15th, White House Senior Advisor David Axelrod [admitted](#) to Chris Wallace that the administration was, “going to leave that issue to Julius Genachowski, our new head of the FCC, to, and the president, to discuss, so I don’t have an answer for you now.”

Federal Speech Control: Conservatives argue that the so-called Fairness Doctrine actually achieved the opposite of its original intent and encouraged censorship. Bill Ruder, the former Assistant Secretary of Commerce to President Kennedy, informed CBS News that Lyndon Johnson’s presidential campaign strategy was to:

“use the Fairness Doctrine to challenge and harass right-wing broadcasters and hope the challenges would be so costly to them that they would be inhibited and decide it was too expensive to continue.”

In addition, President Nixon was also accused of abusing the FCC's authority under the so-called Fairness Doctrine to censor television stations and newspapers that displeased him and his administration.

Ignoring the Facts: Today, in the two decades following the FCC repeal, there is far more diversity of opinion on radio and television than in the past. Supporters of broadcast censorship continue to advocate that the disparity between conservative and liberal radio pundits is due to media consolidation. Supporters ignore the fact that a large number of liberal stations across the nation have launched and failed over the past few years. Earlier this month, another station failed right here in Washington D.C. (Obama 1260) – proving that even in overwhelmingly Democrat cities, much of their programming could be unpopular. The only solution proposed to eliminate the disparity is the reinstatement of a failed government policy to censor speech to create an artificial market for less desirable programming.

Conservatives Fight for Freedom: Conservatives are prepared to counteract [liberal motivations to reinstate](#) the Fairness Doctrine and to apply them to the Internet (a move reportedly being considered by leading House Democrats). In the 110th Congress, former RSC Chairman and current Republican Conference Chairman Mike Pence introduced the Broadcaster Freedom Act to “prohibit the FCC from prescribing rules, regulations, or policies that will reinstate the requirement that broadcasters present opposing viewpoints in controversial issues of public importance.” The legislation has been reintroduced ([H.R. 226](#)) in the 111th Congress and is cosponsored by almost every Republican Member of Congress.

Nowhere does the Constitution guarantee a right to *fair* speech – just free speech. A free and independent press is the cornerstone to a flourishing democracy. House conservatives will continue to strongly oppose any attempt to restrict speech in the public domain to ensure the airwaves remain a forum reserved for a diverse, naturally-occurring range of opinions, free from political censorship.

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