

UnFairness Doctrine Pushed By Liberals

Liberals have failed in their attempts to succeed in talk radio, so they've decided to silence it by reinstating the so-called "Fairness Doctrine."

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Liberal U.S. Senators, Representatives, and leftist groups are squawking about the alleged "conservative" bias of talk radio. They have made numerous claims about the dangers of one-sided viewpoints on talk radio and Speaker of the House Nancy Pelosi has gone so far as to call conservative talk radio "hate radio."

The drum beat is increasing among liberal legislators and their leftist allies to reinstitute the so-called "Fairness Doctrine" in order to provide supposed "balance" on talk shows.

Here's a sampling of what liberals are saying about the need for the Fairness Doctrine:

It's time to reinstate the Fairness Doctrine. I have this old-fashioned attitude that when Americans hear both sides of the story, they're in a better position to make a decision –
Senator Dick Durbin (D-IL)

I'm looking at it [reinstating the Fairness Doctrine], as a matter of fact ... because I think there ought to be an opportunity to present the other side. And, unfortunately, talk radio is overwhelmingly one way. – Senator Diane Feinstein (D-CA)

...talk radio, or in some cases hate radio, where they [conservative talk show hosts] go on and on and on in a xenophobic, anti-immigrant [manner].... Speaker of the House Nancy Pelosi, speaking about the amnesty immigration bill with PBS's Charlie Rose

[conservative talk show hosts have been able to] squeeze down and squeeze out opinion of opposing views. I think it has been a very important transition in the imbalance of our public dialog. – Senator John Kerry (D-MA)

Even if the station doesn't balance the hate-jock, or allow an on-air discussion of hate speech, just publicizing bigoted statements changes the terms of the debate. Hate flourishes when other views are not heard. By challenging it as often as possible, you diminish the ignorance that is necessary to racism, sexism, and homophobia. – Fairness & Accuracy In Reporting "Challenging Hate Radio: A Guide for Activists."

The Hate Radio jocks have rightly taken credit for the stolen election of 2000. What more wake up call do we require that it's either democracy and the Constitution, or else the Hate Jocks and their twisted vision of Amerika? – StopHateRadio.org web site.

Enough Hate-speak. Hate destroys. Hate kills. Hate corrodes. Hate Radio has got to go. Do you hear us, Rush? You will soon. – StopHateRadio.org web site.

This is the kind of thinking that's becoming popular and accepted wisdom among the liberal elites in Washington, DC and among radical leftist groups.

In their minds, "hate radio" is whatever conservative or Christian talk show hosts are discussing freely on radio. If a viewpoint goes against the liberal and gay agenda, then it's labeled "hate speech" and considered outside the protection of the First Amendment.

It is ironic to note that while liberals and their homosexual allies have an absolutist view of the First Amendment and free speech when it comes to pornography, child porn, obscene speech, flag burning, etc., they are now willing to stifle freedom of speech under the guise of providing "fairness" on the airwaves. Other leftists are more honest: They admit they want to kick conservative and Christian talk show hosts off the air altogether in order to suppress what they view as "hate speech."

What Is The Fairness Doctrine?

Stuart Epperson, Chairman of the Board of Salem Communications Corporation has published a brief history of the Fairness Doctrine. We are reprinting it below. Further discussion of what's being done to stop the Fairness Doctrine follows after his history:

The Fairness Doctrine

A Brief History and Perspective

The First Amendment states: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

This was worked out in Colonial and Revolutionary times with the correct assumption that the government would almost never be neutral.

Freedom of Speech has always meant... Absence of Government Control.

The Fairness Doctrine Defined – Government requirement that when a certain position on a controversial issue of public importance is broadcast, the broadcast licensee is required to present the other side of the issue.

Fairness Doctrine History

The Radio Act of **1927** created the Radio Commission (later becoming the Federal Communication Commission or FCC) and its successor the **1934** Communications Act created a government system of granting licenses for publicly owned broadcast frequencies. The major condition attached was to “operate with public interest.” The FCC was charged with enforcement.

Starting in **1929**, the “public interest” condition was interpreted as requiring that a licensee provide “ample play for the free and fair competition of opposing views on all discussions of issues of importance to the public.”

Over the years this developed into the Fairness Doctrine and became an integral part of FCC mandate.

In **1949**, the FCC issued two requirements regarding Editorials on Radio... “Broadcasters must give adequate coverage to public issues and this coverage must accurately reflect opposing views on the issue.”

In **1959**, Congress amended Sec. 315 of the Communication Act with the Equal Time Provision... “The licensee that allows one candidate to use the broadcast station shall afford equal opportunities to all other candidates for that office.” It also stated that nothing in the amended Section 315 relieves Broadcasters of the “obligation” to “afford reasonable opportunity for the discussion of conflicting views on issues of public importance.”

From **1959** to **1981**, The FCC consistently interpreted the 1959 Amendment to Sec. 315 as codifying the Fairness Doctrine. In fact, in the landmark 1969 Red Lion Case the Fairness Doctrine was upheld by the Supreme Court. The Court cited “scarcity of stations and codification of the Fairness Doctrine” as the primary reason for the decision. The Court also stated “the decision could change if it was demonstrated that the Doctrine reduced rather than encouraged discussion of public issues.”

Interestingly in **1974**, a law imposing an obligation of fairness on newspaper editorials was declared invalid as applied to print media in Miami Herald vs. Tonilla. Print media has no Fairness Doctrine.

In **1981** the FCC, perceiving changes in the conditions cited by the Supreme Court in Red Lion, asked Congress to repeal the Fairness Doctrine. No action was taken.

1985 – The FCC determined the Fairness Doctrine was not codified in 1959.

In **1986**, the D.C. Circuit Court upheld the FCC by ruling that the 1959 Amendment did not codify the Fairness Doctrine.

1987 – The FCC formally abolished the Fairness Doctrine on grounds that:

1. It did not serving public interest

2. The scarcity of media issue had disappeared
3. It violated The First Amendment

Since **1987**, Broadcasters have operated without the Fairness Doctrine and Talk Radio has flourished. During this time there have been many calls by public figures for reinstatement and bills have been repeatedly introduced in Congress to codify the Fairness Doctrine... all with huge public negative reaction.

In **1988**, Congress overwhelmingly passed a bill reinstating the Fairness Doctrine, but it was vetoed by President Reagan.

In **1991**, with massive grass roots support President Bush threatened to veto a similar bill, thus stifling a second attempt on Congress's part to resurrect the Fairness Doctrine.

1993 – The 8th Circuit Court of Appeals ruled that the FCC had acted in a reasonable manner in abolishing the Fairness Doctrine.

Since the 2006 elections, the almost daily cries from legislators to bring back the Fairness Doctrine has reached high fever pitch... as if something as significant as the 2008 election outcome depended on it. No doubt this will intensify.

There are two ways the Fairness Doctrine could be brought back:

1. The FCC simply reinstates it.
2. Congress codifies it

If the Fairness Doctrine is reinstated, history indicates these things (and more) will happen:

1. The First Amendment, which these days seems to be the number one target, will again be significantly depreciated, further eroding our Freedom of Speech.
2. The political party in power will use the Fairness Doctrine to silence critics as was well documented during the Kennedy and Nixon administrations.
3. Many leading Broadcast Licensees will see their licenses at risk and will play it safe by imposing strict speech control.
4. The national and local robust town hall meetings known as Talk Radio will quickly become mundane, dull and milk-toast-like and mostly disappear.
5. Religious speech will be threatened by new government guidelines regarding what constitutes controversial and public issues... issues like same-sex marriage and abortion.
6. The overwhelming majority of the time the public will hear only the Liberal viewpoint presented as "fair and balanced" by the three major TV Networks, the vast majority of newspapers and the major magazines. Déjà vu!

Media Scarcity:

Media access has dramatically changed since the 1969 Supreme Court Red Lion case. Today there are many more radio stations, even in small communities, satellite radio, internet radio and the internet itself, plus an abundance of FM stations which were few in 1969. Everyone agrees scarcity is no longer an issue.

Conclusion:

The Fairness Doctrine's frontal assault on Freedom of Speech not only trashes a vital part of our Constitution but does great harm to our country, nationally and locally by stopping a healthy public debate that is essential in our common search for TRUTH.

Preventing the reinstatement of the Fairness Doctrine is... A HILL TO DIE ON!

Submitted by,
Stuart Epperson
Chairman of the Board
Salem Communications Corporation

How The Fairness Doctrine Will Stifle Free Speech

Before the Fairness Doctrine was rejected by the Federal Communications Commission in 1987, radio station managers feared airing anything controversial for fear of having their licenses challenged for not presenting alternative viewpoints. The result was bland radio without a robust exchange of ideas.

In fact, the Fairness Doctrine was deliberately used by liberals in the Kennedy and Johnson Administrations to stifle the free speech of conservative critics of the liberalism of these presidents!

[Liberal activists admitted this in later years!](#) In his 1976 book, *The Good Guys, The Bad Guys, and the First Amendment*, former CBS President Fred Friendly quoted Bill Ruder, an assistant secretary of commerce under Johnson. Ruder said: "Our massive 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."

Martin Firestone, a Democrat Party operative, reported to the Democratic National Committee that "right-wingers operate on a strictly cash basis and it is for this reason that they are carried by so many small stations. Were our efforts to be continued on a year-round basis, we would find that many of these stations would consider the broadcasts of these programs bothersome and burdensome (especially if they are ultimately required to give us free time) and would start dropping the programs from their broadcast schedule." He later said: "Perhaps in the light of Watergate, our tactics were too aggressive, but we

were up against ultra-right preachers who were saying vicious things about Kennedy and Johnson.”

Firestone and Ruder have both admitted that the Fairness Doctrine had nothing to do with providing balanced viewpoints. It was deliberately designed to silence conservative and Christian talk radio.

This is the same objective today from liberals like Kerry, Feinstein, Pelosi, Kucinich, Durbin and others. These are not stupid people. They know exactly what the Fairness Doctrine will do: It will destroy the ability of the American people to hear conservative and Christian viewpoints on radio!

Talk Radio Is The Other Side

Liberals have a stranglehold on all the major TV networks and nearly every newspaper in the United States. They have a monopoly control of our nation’s major journalism schools as well.

Prior to talk radio, the Internet, and cable TV, liberals had a virtual monopoly on all information being fed to the American people. *Their monopoly has crumbled and they can’t stand Americans being exposed to true diversity of ideas. This is why they are seeking to suppress talk radio.*

What’s Being Done To Stop The Liberal Suppression Of Ideas?

Congressman Mike Pence (R-IN); Rep. Greg Walden (R-OR); Senators Norm Coleman (R-MN), Jim DeMint (R-SC), James Inhofe (R-OK); and John Thune (R-SD) are pushing for passage of the Broadcaster Freedom Act.

This Act will forbid the Federal Communications Commission from reinstating the Fairness Doctrine and will also prohibit any future President from doing so.

In late July, 2007, liberals in the Senate defeated a Republican attempt to attach the Broadcaster Freedom Act to an education bill. In defending this Act, Senator Norm Coleman stated: “We live in an age of satellite radio, of broadband, of blogs, of Internet, of cable TV, of broadcast TV. There is no limitation on the ability of anyone from any political persuasion to get their ideas set forth. The public in the end will choose what to listen to.”

The battle isn’t over, however. Republicans will continue to push for passage of this Act in order to protect free speech and the ability of Americans to hear both sides of an issue.

[Rep. Mike Pence, a former talk show host himself](#), is a leading defender of free speech on talk radio. His web site has regular updates on the threat of the Fairness Doctrine to the diversity of ideas.

A Democrat President Will Impose The Fairness Doctrine

Liberals are counting on electing a Democrat to the Presidency in 2008. Once this is done

and they maintain control of the House and Senate, they will then pass a bill that will reinstitute the Fairness Doctrine.

Once this is accomplished, conservative and Christian talk radio will eventually become extinct, and liberals will have reestablished their near total control over the information that reaches the American people. If they can kill off talk radio, their next target will be Internet sites that present what they consider to be “hate speech.”

They are already arguing that “hate speech” leads to violence against racial minorities and homosexuals. A [leftist “social justice” web site](#), for example, has posted this:

I don't believe the majority of violent attacks against LGBT people are carried out by anti-gay Christians... usually the attackers are racists or skinheads who just happen to agree with extreme-right Christians on the value of gay and lesbian lives. American history has shown fundamentalist Christians will use violence against groups they believe are immoral or subhuman. I hope this analysis is wrong, but you will be hard pressed to convince me that hate speech does not turn into hate violence. History has shown us otherwise.

The logical extension of this is to criminalize so-called hate speech as a way of preventing violence! Once disagreement with the liberal/homosexual agenda is labeled hate speech, it suddenly is no longer protected by the First Amendment and will be suppressed.

This is why liberals cannot be trusted with political power. Their totalitarian impulses always rule them and they must suppress opposing viewpoints—no matter how much violence it does to the First Amendment, free speech and freedom of religious belief.

The Fairness Doctrine is just one more example of how liberals are willing to suppress free speech in order to hinder the free flow of information in our nation.