



Freedom Should Not Take a Backseat to 'Fairness'

by Rep. Tom Price ([more by this author](#))

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Freedom is the foundational principle of our society. Our Founders were champions of this God-given right and charged future generations with eternal vigilance. The hallmarks of our freedom are defined in our Constitution -- Freedom of speech; freedom of the press; freedom of religion. But it appears that some in Congress are aiming to substitute "fairness" for freedom in our media marketplace. In recent weeks a group of congressional Democrats have called for the return of the archaic "Fairness Doctrine."

The "Fairness Doctrine" -- whose name is terribly misleading -- was implemented at the early age of broadcasting, in a time when the majority of news and information was distributed through print media. A Federal Communications Commission (FCC) rule, it required broadcasters to provide equal time for "contrasting points of view" on "matters of public importance". The Doctrine was instituted in response to concerns that a limited number of broadcasters would control a significant portion of the news and debate in our country.

During this time when there were few broadcast stations, it may have been important to promote competition of viewpoints. But today this argument holds no weight. In effect, the "Fairness Doctrine" would diminish our freedom of intellectual choice and discourage American broadcasters from reporting on important issues.

Clearly there exists no scarcity of media resources today. With the explosive growth of cable news, satellite and FM radio, and the internet, there is an unprecedented level of competition in the delivery of news and debate. Consumers have more choice than ever before to get information on issues about which they are concerned. For instance, a Google search of "Fairness Doctrine" provides more than 650,000 results. It would be impossible to argue that there is

not an abundance of diverse information available to the American people on this one subject alone.

Proponents of the non-Fairness Doctrine claim that the rule increases open and honest debate by forcing dialogue between opposing views. This is a laudable goal, but like many admirable Washington proposals the effect in practice does not meet the intent. During the more than 40 years in which the FCC enforced the "Fairness Doctrine", debate of controversial issues was remarkably diminished because of the fear of litigation and regulators.

Why should ABC News report on school prayer when it risks losing its broadcast license because a regulator felt all sides were not given equal representation? Perhaps the views of Muslims were not included in a debate between an atheist and Christian. Would every religion need to be given time to express their particular feelings?

And, in a time when litigation is spiraling out of control, broadcasters are correct to be fearful of the idea of reintroducing the "Fairness Doctrine". How much would an opportunist attempt to sue Clear Channel for if someone can take a local dry cleaners to court for \$54 million over a missing pair of pants?

This legitimate concern of regulators and litigation would only silence broadcasters from discussing important issues, resulting in a decrease in the ability of the America electorate to become knowledgeable and vigilant. After recognizing the unintended consequences of the "Fairness Doctrine", the FCC ceased to enforce the rule in 1987.

In its 1985 report, *General Fairness Doctrine Obligations of Broadcast Licensees*, the FCC determined that the Fairness Doctrine had outlived its usefulness due to the "multiplicity of voices in the marketplace." The FCC found that the Doctrine "in operation, actually inhibit[ed] the presentation of controversial issues of public importance to the detriment of the public."

The FCC was correct in its findings more than two decades ago. That analysis is more relevant today than ever. Consumers have a vast pool of resources for information and debate. So, why are some endorsing the reinstatement of this

flawed "Fairness Doctrine"?

The reality of this debate is that there are some in Congress who think that talk radio works in opposition to their political beliefs. They believe that conservatives have an unfair advantage on talk radio. While it is true that talk radio may be more popular among conservatives, this is hardly due to some unfairness in our system. The only barrier to a prosperous left-leaning talk radio industry is a willing audience. Were there a demand in our society for liberal talk radio, our highly competitive marketplace would undoubtedly provide it.

Fundamentally, those who desire a return of the non-Fairness Doctrine demonstrate their belief that Washington must control the will of people; it is yet another proposal favoring the government forcing the market to work for the pursuit of specific political goals.

The failure of liberal rhetoric to resonate with talk radio audiences has led to many prominent Democrats to call for required programming. They want government to decide what Americans should listen to or read. The American people did not vote for a mandate on programming content.

If ambiguous "fairness" is forced upon American consumers, the right of freedom that we cherish would be dealt yet another blow from Washington politicians. Real freedom -- American freedom -- means a government that listens to the people -- not one that dictates to the people who they must listen to.

Rep. Price is a Republican who represents the 6th Congressional District of Georgia and is a member of the Republican Study Committee.

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