

Opinion: FCC crossing the line trying to regulate news

By Corydon B. Dunham

While recent protests over proposed legislation addressing media entertainment piracy were loud and widespread, the public seems unaware of an even greater threat to our free speech and a free press.

People voiced concern about whether SOPA and PIPA (the House and Senate piracy bills) would limit free speech on the Internet. But the resurrection of television's old Fairness Doctrine, so government could again edit and censor news is a far more ominous threat.

The Federal Communications Commission has drafted a policy for government control of news. And even though a special study last year recommended that such a censorship policy be scrapped, it's still pending, with the potential for action. Frankly, I'm surprised there is no outcry or debate about this political threat to distort news and speech and suppress them.

The FCC's proposed new Localism, Balance and Diversity Doctrine mirrors many aspects of the long-dead Fairness Doctrine. That doctrine was revoked in 1987 when the FCC and the courts found that it had suppressed news, chilled speech, imposed censorship, prevented criticism of the administration then in office, and created an atmosphere of "timidity and fear."

The new localism doctrine is very similar. It would force television stations to provide government "localism" in news production and coverage – as well as revise news reports to comply with government dictates on news balance and viewpoint diversity. Failure to comply could mean loss of the station license to broadcast.

It may sound good to some people, but in the past, government investigations and regulation enforcement deterred news broadcasts about public and political issues. To keep their broadcast licenses, stations had to conform their news and political reports to what they believed FCC commissioners would approve or revise news reports to what the commissioners did approve.

The FCC finally revoked that doctrine as against the public interest. Since the FCC is planning to transfer to the Internet the broadcast spectrum now used by local TV, news websites ultimately could fall under the new Internet rules.

Here are some highlights of the old doctrine and the new one:

- The Fairness Doctrine ruled TV news broadcasters from 1949 to 1987. Believing that the communication power of this, at the time, new medium concentrated great power in few hands, the government mandated that broadcast stations provide what the FCC would decide and dictate as appropriate “contrasting view” coverage.
- Under the Localism Doctrine, enforcement would not only be the job of the FCC, but also of a local board added at each station to monitor programming, including news. The members of that board would be required to recommend against a station’s license renewal if they thought station programming news was not complying with this new FCC policy on localism, balance and diversity.
- Under localism rules, a three-vote majority of five politically appointed FCC commissioners at a central government agency would make local news judgments. They would override independent, local TV reporters and editors to impose government agency views on what should be reported and how.

This new policy, if activated, would directly target news and speech on television and enable an administration to use news coverage to manipulate and influence public opinion about

important public and political issues. The effect would inevitably be something quite different from independent news.

That isn't speculation. It's history.

Corydon B. Dunham is a former 25-year NBC-TV executive and author of "Government Control of News: A Constitutional Challenge".