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## Talk Radio Still Threatened

by James C. Roberts

Free speech coalition created to rally public support in event of Obama administration assault...

On April 25 and 26 approximately 40 radio talk show hosts and conservative leaders gathered in Washington to strategize about how to confront any attempted re-imposition of the mis-named "Fairness Doctrine." Convening the conference were conservative activist and pollster **Brad O'Leary**, Joseph Farah, editor and CEO of World Net Daily, and Roger Hedgecock, former mayor of San Diego and a nationally syndicated radio talk show host on the Radio America network. The consensus of the group was that an Obama administration assault on broadcast freedom is imminent and an organization called the Free Speech Coalition was established to rally public opposition should such an assault materialize. Localism Ruse Roger Hedgecock was elected chairman of the coalition and the words "Don't touch my dial" were adapted as the coalition's slogan. That the Fairness Doctrine is still a threat will surprise some people given the recent passage by the Senate of an amendment offered by Sen.

Jim DeMint (R.-S.C.) putting the Senate on record as opposed to its re imposition. There is still a very real prospect that the Fairness Doctrine will be reinstated through the back door, using "localism" requirements. A follow up amendment by Dick Durbin (D.-Ill.) approved by the Senate provides some guidance on how this might be done. The amendment reaffirms provisions already in law that the Federal Communications Commission (FCC) should promote "diversity of ownership of stations" and that it has the authority to require station owners to "operate in the public interest." Next month, with the appointment of Julius Genachoski as chairman, Democrats will control the FCC. Conservatives, and indeed all American concerned with our First Amendment rights of freedom of the press and freedom of speech, should be alarmed by the specter of a revived Fairness Doctrine in any form. The FCC originated the "Fairness Doctrine" in 1949, arguing that broadcast license holders are "public trustees" of the airwaves who have a duty to insure that their listeners are exposed to a full spectrum of viewpoints. The practical effect of this fairness rule was just the opposite. Broadcasters tended to avoid controversial issues altogether rather than risk being charged with bias. Over the next three decades a technology revolution transformed broadcasting, with satellite and telephone advances making national talk radio possible for the first time. Hundreds of AM stations converted to talk, saving AM radio which had been a dying industry. In 1987, under President Reagan, the Republican-dominated FCC declared that the multitude of new broadcast formats made the original purpose of the Fairness Doctrine -- diversity of viewpoints -- moot and the rule was suspended. Talk radio is now dominated by conservative hosts and has become an extraordinarily potent political force, with powerful hosts such as Rush Limbaugh, Laura Ingraham and Rodger Hedgecock

sending millions of motivated listeners into electoral battle on a host of issues from immigration to the Wall Street bailout. Many liberal politicians are resentful of talk radio's clout and are eager to reduce it. Nancy Pelosi, Harry Reid, Chuck Schumer and other congressional liberals have expressed their support for the re imposition of the Fairness Doctrine. President Obama has said he opposes the reinstatement of the Fairness Doctrine but is on record as supporting greater broadcast regulation. Despite all this saber-rattling, it was always unlikely that Pelosi, Schumer et al would seek to reimpose the Fairness Doctrine by legislative means. The national outcry this would cause would shut down the congressional switchboard. It is far more likely that the FCC will push for stringent new broadcast regulations sometime after June when the Democrats will dominate the commission 3-2 with a new chairman, Julius Genachowski, an Obama appointee. New rules would apply a more stringent "localism" requirement -- an FCC requirement that all radio and television stations serve the interests of their local communities as a requirement for retaining their licenses. The Democrats can build on the foundation laid by former FCC Chairman Kevin Martin (a Bush appointee) who favored stronger localism requirements. On Sept.20, 2007, Martin held a public hearing on media ownership rules at Jesse Jackson's Rainbow/PUSH coalition headquarters in Chicago. Then-Sen. Barack Obama submitted a written statement saying: "We should be doing more to encourage diversity in ownership of broadcast media and promote the expression of diverse view points." He added: "I fully endorse a call for new rules promoting coverage of local issues, greater responsiveness of broadcasters to the communities they operate in. I also believe that broadcaster' license renewal requests, the periodic review required to ensure that broadcasters are complying with their public interest obligations to local communities for using the public spectrum, should require greater FCC scrutiny and public input should occur more frequently." Among the localism rules proposed by Martin is a requirement that local stations create a permanent advisory board to "advise (the station) of local needs and issues and seek comments on the matter. Moreover, to ensure that these discussions include representatives of all community elements, these boards would be made up of leaders of various segments of the community, including under-served groups." Clear Channel's Move A recent development of great concern is the decision by Clear Channel Communications, the nation's largest radio conglomerate, to require those stations to establish community advisory boards and increase coverage of local issues. This move was clearly a preemptive move by Clear Channels ownership to get ahead of the curve on regulations they believe will be adopted by the FCC. The danger of premature concessions is that it will embolden the liberal-dominated FCC to go further in the effort to restrict conservative talk radio. The new mantra will be: "There's no reason to fear localism guidelines, look, Clear Channel has already put them in place." What the FCC is likely to do, however, is wrest control of the advisory boards from the stations and vest it in the FCC itself which will require a wide "diversity of viewpoints" New Liberal FCC Committee The practical effect will be that ACORN and every other leftist organization in a given metropolitan area will be clamoring for membership on the boards. A harbinger of what's to come can be seen in the membership list of the newly appointed members of the "Federal Advisory committee on Diversity for Communications in the Digital Age" recently named by acting FCC Chairman Michael J. Copps. The committee is chaired by long time liberal activist Henry Rivera and is composed of a mix of "mainstream" media types (e.g. Robert Mendez, ABC Television network, Matthew Blank, Showtime network) and representatives of minority and liberal organizations (e.g. Karen K. Narasaki, Asian American Justice Coalition and Charles Warfield, Inner City Broadcasting). The committee's mandate is "to make recommendations to the FCC regarding policies and practices

that will further enhance the ability of minorities and women to participate in telecommunications and related industries." Once the local advisory boards are established by statute they will field comments by the public on the station's programs. One can expect a flood of negative comments by ACORN members about conservative talk show hosts, all to be factored in when the boards make recommendations about station license renewals to the FCC. Commenting on the threat posed to talk radio, Roger Hedgecock said: "This issue -- and the urgent need for a broad-based, aggressive coalition to fight back -- is much bigger than talk radio, and much more dangerous than an effort to simply silence a few voices that the current administration dislikes. This fight is a First Amendment fight and one that every American must be involved with, which is why we have created The Free Speech Coalition as a vehicle for mass participation." If these localism requirements were enacted it would be more difficult for stations to air nationally syndicated programming. Networks that syndicate hosts such as Rush Limbaugh would be forced to rely on the Internet and satellite radio, greatly diminishing their audiences and devastating the AM radio business. How to Fight Back Such a blatant assault on the 1st Amendment need not succeed. The FCC will have to hold hearings before enacting the localism rule and conservative broadcasters must undertake a campaign to educate talk-show listeners and the public at large about what's at stake. Nominees for the FCC must be grilled vigorously by Republican senators on their views on the Fairness Doctrine and localism requirements. Any attempt by Congress to impose these broadcast restrictions should be resisted with every resource the conservative movement can command. Conservatives across America are licking their wounds right now. A pitched battle over the Fairness Doctrine could well be the catalyst that re-energizes the conservative movement and puts it back on the offensive.