

A Call to Arms for the Fairness Doctrine

How the electronic media's self-invoked free speech ails our democracy.

by Mieko Joan Okamoto

IT HAS LONG BEEN A TRADITION in this country to hail free speech under the aegis of the First Amendment. From the early days of childhood, we are taught to laud it as the very cornerstone of democracy. Even the gaudy headlines in tabloids—which have become all but a hackneyed convention of the media—are evidence of Americans' unswerving support for rampant free speech. Perhaps more than any other individual right, it is treasured as the capstone of liberty, and its censure is rebuked as anti-democratic.

Thus, it is no surprise that the recent media hype surrounding the debate over the reinstatement of the Fairness Doctrine has provoked concerns over the sanctity of free speech. Repealed in 1987, the doctrine decrees that the electronic media have a responsibility to air issues of public importance and in doing so must provide a balanced discussion of contrasting viewpoints. The opponents to the Fairness Doctrine relentlessly argue that any government intervention of the press will severely encroach upon First Amendment rights. They have labeled its proponents—conspicuous among them Senator Ernest Hollings and Representative Edward Markey—as leaders of a "Hush Rush" movement to restrict free speech and accomplish their own political agendas.

But hidden from our ken in this so-called "war against the Big Brother" of government are the covert atrocities of the media that skillfully betray our faith in the freedom of the press and exploit its power as the conduit of public information to propagate their own interests.

A "SCARCE" PUBLIC RESOURCE

The history of the Fairness Doctrine harkens back to the golden age of radio in the 1930s. Fearing that broadcasters would exploit the airwaves, Mieko Joan Okamoto is a junior at Columbia College and an Executive Editor of Helvidius.

which were considered a scarce public resource at the time, Congress passed in 1934 the Communications Act, or posthumously the Fairness Doctrine. It stipulated that radio news programs must "cover controversial issues of public importance and broadcast opposing points of view on them" (Abramson 245) in order to be granted license renewal by the Federal Communications Commission (FCC). To ensure fair coverage of federal elections, two amendments to the Communications Act were enacted in 1959 and 1971 to provide equal opportunity for candidates to buy a reasonable amount of time during prime time broadcasts. License could be revoked if stations do not abide by these rules. The value of autonomy and editorial independence accorded to print journalism was deemed inapplicable to electronic media; the FCC saw a need to prevent domination of this "scarcity" by the few.

But in 1987, broadcasters disenfranchised by governmental regulation found political support when President Reagan, in keeping with his deregulation policy, vetoed Congressional legislation expressly codifying the Fairness Doctrine. Later that year, heavy lobbying by the broadcasters prompted the FCC to declare the doctrine counterproductive and unconstitutional. Claiming that "explosive growth" (Abramson 246) in the new media technologies invalidated the original scarcity rationale for the fairness requirements, the FCC argued that "...Fairness' was far too fragile to be left for a Government bureaucracy to accomplish" (Abramson 246). Governmental regulation, the FCC testified, discouraged radio and television stations from covering controversial issues and produced a "chilling effect" (Abramson 246) on unfettered public debate.

THE REALITY UNRAVELED

Despite the opposition's euphoria about loosening governmental regulation under the doctrine, the issue must be soberly reassessed in the light of reveal-

ing facts. First, the proliferation of the media that the opponents of the doctrine like to point out as outdated the doctrine is not as widespread as one would think. The advent of the nascent "new media"—cable television, videotext, teletext, VCR, etc.—gives the impression that Americans utilize the highly-diversified media. Although the number of households that subscribe to cable systems has more than doubled since 1983, still only 62% of the households subscribe to cable networks (Abramson 36). Moreover, those who do subscribe only view cable about 30% of the time (Abramson 40). The high cost of wiring a cable system inhibited many cities from even considering adding cable to their homes.

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Betraying predictions made when cable systems joined the market, the three major networks, ABC, CBS and NBC have successfully weathered the threat of the cable takeover and still garner three-fourths of the audience despite declining prime-time viewing and corporate turbulence.

Particularly threatening to effective democracy is the quiet takeover of the "new media" by familiar media giants—RCA, Times Mirror, Westinghouse, Turner Broadcasting, and the Big Three. While the number of outlets of public information in America—over 10,000 radio stations and 1,400 television stations—is unrivaled in any other country, the ownership of them remains disproportionately homogeneous. Over 97.2% of the electronic media is white-owned, and the figure has even increased in the past few years (*Legal Times*). Moreover, conglomerate control means abiding by the interests of the owners. For example, the editorial policies of NBC can be freely manipulated by its owner, General Electric. This trend towards conglomerate control of the television screens poses a creeping threat to well-informed citizenry.

The FCC's repeal of the Fairness Doctrine in 1987 neglected, if not overlooked, this ominous force. Masked by the beaming faces of Sam Donaldson and

Dan Rather is the top executives' penchant for emphasizing ideas and information congenial to their political interests. On one occasion, several broadcasters have refused presidential requests for time to address the nation on matters of national urgency (Abramson 227). In keeping with its political interests, during the 1984 Presidential election, Capital Cities, Inc., owner of ABC, prohibited directors at ABC News from airing sto-

In keeping with its political interests, during the 1984 Presidential election, Capital Cities, Inc., owner of ABC, prohibited directors at ABC News from airing stories on several Reagan administration officials who had illegal connections with organized crime.

ries on several Reagan administration officials who had illegal connections with organized crime. Without the Fairness Doctrine, broadcasters have complete discretion over what and who gets coverage.

Political interests are not the only cause of attrition. According to the logic of the economic market, news budgets will shrink if consumers prefer entertainment. In a market where one percentage point in ratings can mean a difference of \$30 million in profit each year and 1,600 advertising messages are aimed at a consumer in an average day (Bagdikian 202), broadcasters are forced to appeal to consumer appetites.

SHOCKING FIGURES

A case in point is analysis of news coverage by 36 random local news shows on Thursday, March 10, 1988, the week of "Super Tuesday" primary elections. The results unearthed an appalling fact: local and state issues comprised less than five minutes per local news hour (Entman 112). Research done in three cities, Mobile, Alabama, Pensacola, Florida, and Chicago, Illinois revealed that news of local and state government or politics and political cam-

paigns averaged about two minutes per show on each of the three stations (Entman 112).

Moreover, contrary to FCC's assertion that there is no longer any danger of having Americans "left uninformed on public issues" (Entman 106), the number of public affairs programs has drastically decreased since the repeal of the doctrine; and when they are shown, they are usually relegated to air times of low viewership because entertainment programs bring in more revenue. The amount of American commercial networks' serious programming in prime time is only 0.05% of the amount of regular current affairs and documentary output of public service organizations abroad such as BBC in Britain, ARC in Germany and NHK in Japan (Abramson 213). "News isn't the main business of the networks; entertainment is," one NBC News official said. "So when the licensing requirement is removed, network corporate officials ask, 'Why should we spend more money on something that is losing us money?'" (Hertsgaard 181)

AN ICONOCLASM?

Despite these compelling facts, we still may ask: Why do we need more public affairs programming? If Americans prefer to watch Amy Fisher and her hidden-camera sex videos than to watch local politicians ramble about a parking violation policy, on what grounds can the government say to the Americans that too much of the former is bad? The Fairness Doctrine immediately strikes us with its "subversiveness" to the traditional autonomy of the media.

But we must first note that the glib comparisons of the electronic and print media ignore the former's inherent limitations. Television and radio rely tremendously on aural and visual gratification. Emphasis on conflict, personality, and seductive images achieves more significance than a thorough analysis of a story. Thus, however superficial a topic may be, aural and visual appeal often becomes a gauge of "newsworthiness"; crucial issues can always be deemed unimportant if they lack capturing sounds and pictures. They "exert strong control over the flow of the narrative and juxtaposition of stories; one cannot reread or clip as with a newspaper story" (Entman 121). The very challenge that broadcast journalists face everyday is to surpass these limitations, not to get a

front row seat in the White House press room. Often, time constraints and the perpetual need to please advertisers with high ratings inevitably force journalists to forget responsible reporting.

Given our tradition of protecting First Amendment rights, we react impulsively to any government regulation of the press. We somehow equate regulation with an oligarchic censorship that threatens to transform America into George Orwell's 1984. When prominent opponents of the doctrine such as David Bartlett of Radio-Television Directors Association and Eddie Fretts of the National Broadcasters attack the intent of the doctrine as "purely political" (Los Angeles Times), the notion becomes all too convincing. But what the legacy of the expansion of the electronic media and the repeal of the doctrine in 1987 have shown is that without government intervention, the antagonism between the profiteering goals of the broadcasters and the public informational interests of democracy is not easily resolved.

Aside from the political and cultural saliency of the doctrine, broadcasters complain that small stations "in the nooks and crannies of the nation" (*The Arizona Republic*) will suffer. The contention is that keeping a log of all opposing views aired can become too burden-

Sensationalism becomes imperative for survival, and the market pressures the news broadcasters to prioritize stories that attract viewers, such as accidents, sports, scandals, crime, and sex, rather than specific community or policy issues.

some, especially for small stations with limited budgets. But the doctrine does not say that opposing views must be presented simultaneously or in the same format; shows like Rush Limbaugh's do not necessarily have to be balanced out by Howard Stern. Moreover, only one station ever lost its license on the doctrine's grounds—and that station allegedly purveyed one-sided anti-Semitic analyses of public issues (Entman 105).

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of these problems, the economic situation worsened and many republics began to think that they would do better fending for themselves. Lastly, once one republic obtained self-rule, other republics began to consider the idea, and nationalism simply spread. Nationalism was not as

The ideological break up of the Communist Party along with further economic decline cemented the fate of the Union and pushed the Republics towards freedom.

strong in all republics, nor was autonomy always desired at first, but as other republics left the Union, pressure mounted on those who remained. In the end, it is also important to remember that the Soviet Union was not doomed to break apart when Gorbachev came to office. The end of the Empire was the result of a combination of its history and Gorbachev's policies. Nationalism could not have emerged without both of these factors.

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Fairness

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"Why should anyone be upset about being fair?" CNN's Larry King said. "It forced us to deal with community issues and began out of a great need when for a long time black issues weren't brought up in Montgomery, Alabama; Catholic parishes in New Orleans never [heard] a show in which someone [favored] birth control" (*Los*

CNN's Larry King- "Why should anyone be upset about being fair?"

Angeles Times). The doctrine will promote accuracy and diversity in reporting, not restrict the parameters of robust public debate.

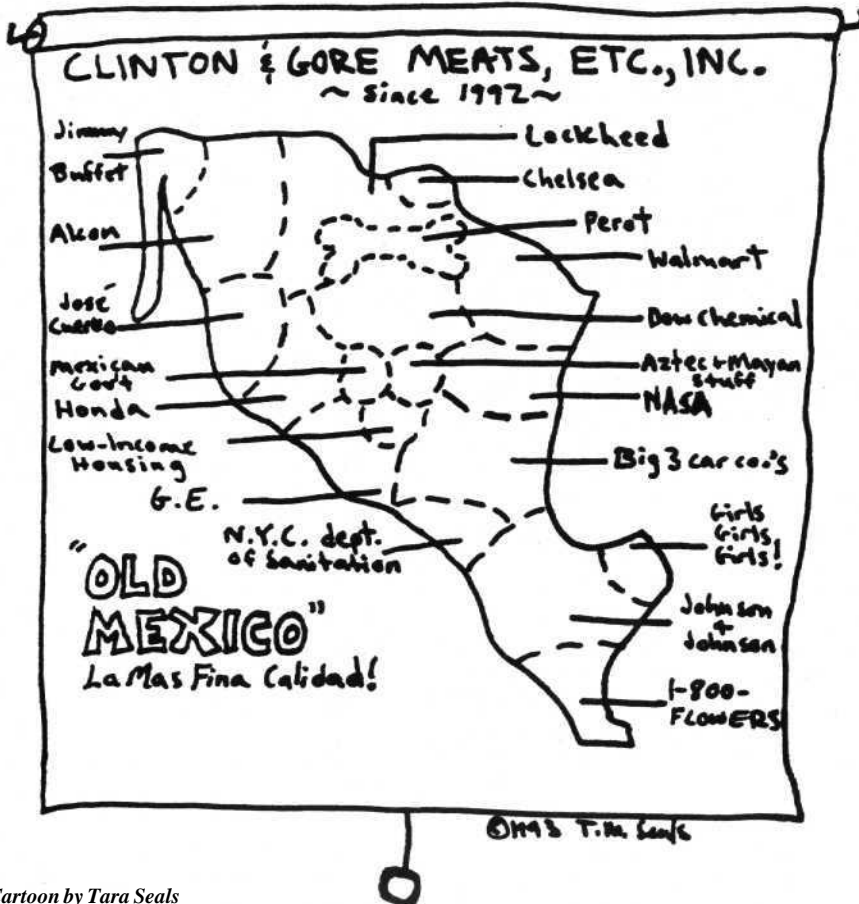
A STEP TOWARDS CHANGE

The campaign financing bill passed by the House on November 22, 1993 included one of the doctrine's provisions of guaranteeing equal campaign time by providing candidates vouchers to buy advertising time. This marked a significant step towards the reenactment of the doctrine. Still, the reenactment of the Fairness Doctrine is a delicate issue that must be approached with caution. The public needs to discard its fear of an omnipotent "Big Brother" government and realize that their right to information is being nibbled away by the very symbol of free speech. Hopefully, the bipartisan effort will break fetters on the long-awaited compromise that free speech goes hand in hand with government regulation.

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Cartoon Corner



Cartoon by Tara Seals