

Breeding a press of water carriers, or the Age of Aquarius

Part II: Putting limits on “the marketplace of ideas”

By James Higdon

July 23, 2001—The marketplace of ideas. The phrase sounds so intriguing. One can almost imagine a huge bazaar, where merchants have ideas placed carefully out on display. “I’ll take a little of that ‘*Clinton was a great president,*’ and some ‘*Limbaugh’s a jerk.*”” While a Republican might purchase some ‘*we need star wars to protect ourselves,*’ and ‘*there’s no such thing as global warming.*’

Phrases that come out of corporate public relations departments are often intriguing, as they are intended, but rarely have too much to do with reality. When it comes to the information necessary to inform the American electorate in a government of, by, and for the people, there is no marketplace. There are only facts that one hopes will lead indelibly to the truth.

Yet the phrase, “the marketplace of ideas,” is offered up for the complete and utter destruction of fairness in broadcasting. The PR logic tells us that there are so many sources that modernly provide information and ideas that the public no longer need rely on broadcasting to keep this public trust. Such logic can only flow from the mind of a corporate public relations executive.

In the infancy of broadcasting, the federal government enacted the Communications Act of 1927. The Act was reaffirmed in 1934, for the purpose of creating a regulatory standard for overseeing that the broadcasters carried out their responsibility as trustees of a very limited national resource. Because of the limited number of frequencies available to broadcast over the people’s airwaves, the government understood that whoever was granted such license to use a frequency must serve “the public interest, convenience and necessity.” Regulation was necessary to prevent multiple entities from vying for the same frequencies, and since not all who wished to use the frequencies were able to do so, the government recognized that some standard must be developed to insure that all Americans had some form of access.

The government was well aware of the power of this tremendous resource. If you believe that the power of the airwaves is diminished against the onslaught of the newer highways of information, such as cable, and the Internet, consider the lives that would be lost if we relegated civil defense and emergency alerts to the Internet or to cable.

Imagine a hurricane rapidly approaching the coast of Florida, and issuing emergency warnings only on the Internet. Do you doubt that a far greater number would receive a warning if it were broadcast only via radio and television? Of course not! The idea is utterly absurd. Even if you spend a good deal of time on the Internet, how often do you do so with the radio or the television on in the background?

The “public interest, convenience and necessity” standard (often referred to as the PICON standard) was put in place to insure engagement of broadcast licensees in this vital public trust. If the government found that broadcasters breached that duty, licenses were not renewed. Always cognizant that the Constitution forbade “prior restraint” of ideas, these standards were always loosely applied, and very few licensees ever failed to renew.

The Fairness Doctrine

By 1949, the power of broadcasting to reach the American people had become crystal clear. Radio had become vital for the people, in the 1930s, to obtain a constant flow of information regarding the Depression, and then World War II. Understanding the persuasive nature of this flow that the nation had become virtually dependant upon, and how this tool was used to spread propaganda in Nazi Germany, Fascist Italy, Imperial Japan, and now Communist Russia, the FCC was empowered with “The Fairness Doctrine” to be sure that all points of view had the opportunity to be heard. The standard was fairly simple. Any editorializing by broadcasters required that the broadcaster provide time to a responsible spokesman or group to state an opposing view, free of charge.

Corporate owners of television and radio stations began to argue that such regulation was, in and of itself a violation of First Amendment rights. They reasoned that being required to open their microphones to the vast array of contrary opinions, at their expense, was prohibitive to stating their own ideas. But the courts did not feel the same way. The restraint was not directly caused by government regulation, but the expense arising from regulation, as all business must ultimately endure, and was merely the cost of doing business. The courts reasoned that the broadcasters had quite a bargain indeed. For exclusive use of their assigned frequency, they need only provide a forum for opposing points of view, and then only as a consequence of editorializing.

Corporate ownership, and the political right wing, always opposed to any government regulation of business, unleashed a relentless assault on the Fairness Doctrine, in spite of the loose enforcement from the FCC. They began to argue to the public, if not to the courts, that the doctrine favored the left leaning voices of the airwaves. And isn't it odd that if the myth of liberal broadcasters was ever fact, that the right wing would argue against the one regulation that would guarantee their voice be heard? The fact is that broadcasters had followed a tradition of government and presidential support, as they felt necessary to mobilize the people through the devastation of the Great Depression, and the worldwide threat of World War II.

Television and radio broadcasters only began to alter that tradition in the face of the vast public opposition to the war in Vietnam, and the public outcry against the Nixon administration's abuse of power, when Watergate investigations entered the mainstream of national discourse. And the effect of Watergate on the nation's right wing cannot be underestimated. The right had invested a great deal in Richard Nixon as the greatest symbol of conservative leadership since Herbert Hoover. In fact, as Dwight Eisenhower was a Republican moderate, it had been 32 years since the far right had placed a member in the Oval Office. When Richard Nixon was forced to resign after six years in office, the extreme right wing began to organize, and gather coalition support

from disparate groups, such as the religious right wing, to insure that it would not be another 32 years before taking power again. They focused on taking control of the Republican Party, and courting the extreme right wing of the Democratic Party. As the Republican party had a history of supporting northern industrialists, they began strengthening their ties with corporate power to increase financial support by promising vast deregulation, that would further minimize “the cost of doing business,” and increase profits.

As the major television networks were owned by corporations that traded in government contracts, they found an alliance with a supporting political party that increasingly spoke with one voice, more than useful.

They began to find more and more excuses for reducing the budgets of their news divisions for investigative reporting, and delved into searching for ways to make news “more entertaining,” arguing that they were in the business of making money and not running a public service at their own expense. Not long after Jimmy Carter became president in 1977, networks began to even argue against broadcasting presidential addresses if they conflicted with primetime television shows, which were the heart and soul of their capital venture. They did not, however, place the same restrictions on Ronald Reagan when he succeeded Carter in 1981.

Corporations found no stronger advocate of deregulation than Ronald Reagan, and there is little doubt that that is why the networks held Reagan to a totally different standard, and granted him greater deference. In fact, it was the FCC under Ronald Reagan that began the destruction of the Fairness Doctrine.

As a part of making their public information fare more entertaining, broadcasters began to unleash an endless stream of “angry white males,” beginning with television broadcasts of Morton Downey, Jr. Such shows offered little in terms of current event analysis, and focused, instead, on insulting and degrading political opponents. Invariably the hosts of these shows were right wing, focusing on the paranoia of the middle class white males, in the face of the increasing political power of women and minorities; and while they would frequently invite political opposition onto their shows, they did so, not to allow opposing opinion, but to hurl at them insults and derision. In this manner, they were able to skirt the Fairness Doctrine, which was still in effect. The success of these shows not only gave birth to such fare as The Jerry Springer Show, but also gave rise to radio’s Rush Limbaugh, G. Gordon Liddy, and Oliver North, who had virtual license to keep hurling insults, derision, and ultimately, misinformation, completely unanswered, once the Fairness Doctrine was eliminated.

Often these shows did not survive on the basis of popularity, although there is no denying that some were popular (liberals often listened in just to get their adrenaline up), but by ready corporate sponsorship. Corporations were not just paying for advertising, but for the constant advocacy of deregulation, which the savvy radio host, eager to maintain the sponsorship, readily voiced. As even independent broadcasters needed corporate sponsors in order to make a profit, they quickly learned that “conservative radio” was the way to go.

The Reagan administration did not enforce the Fairness Doctrine, then, ultimately found a legal way to kill it over any objections of Congress, understanding that it would take a two-thirds majority in Congress to override a presidential veto. Also, the Reagan administration’s quest for

corporate deregulation opened an avenue for right wing broadcasting by stripping away laws that prevented any particular corporation from owning all the broadcasting in any particular market. By doing this, a Pandora's box was opened that allowed situations to arise where only one voice had access to a particular market. Without many voices of dissent on the airwaves, broadcasting began to reflect what the right wing had always complained of, and created very limited options in "the market place of ideas."

In Part III, I will examine the three cases that allowed the Reagan and Bush I administrations to "Bork" the Fairness Doctrine.

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