

Here's the latest Fairness Doctrine update for Friday:

Durbin objects to Coleman amendment that would prevent reinstatement of Fairness Doctrine

Earlier this week, Senators Coleman, DeMint and Thune introduced companion legislation in the U.S. Senate to the Broadcaster Freedom Act that Congressmen Pence and Walden introduced in the House. The bill would prevent the FCC from reinstating the Fairness Doctrine.

This morning Senator Coleman attempted to offer the Broadcaster Freedom Act as an amendment to the Department of Defense Authorization bill being considered on the Senate Floor. He asked for unanimous consent to get the amendment pending and in the queue for a vote. The Democrats objected to his request. Following the objection, Senator Coleman offered some remarks highlighting his disappointment with the objection and the importance of his legislation, when Senator Durbin interrupted to ask him several questions. Their back and forth discussion went on for some time, and Durbin made it clear that he firmly supports reinstating the Fairness Doctrine despite Senator Coleman's repeated explanations that such a measure impinges on Americans' right to free speech. Read the transcript [here](#).

National Review cover story by Byron York on Fairness Doctrine: "An Unfair Doctrine"

Below are excerpts from the cover story in the July 30 issue of National Review titled "An Unfair Doctrine."

...Ask any radio veteran – not just the nation's most successful talk-show host – and he'll probably have a similar story about the bad old days of the Fairness Doctrine. From the earliest years of radio until 1987, when the Doctrine was repealed, the federal government rode hard on what broadcasters could and could not say about controversial issues. If a radio host took a strong position on the air, he might find himself under investigation by officials of the Federal Communications Commission, who would carefully examine his words to determine whether they passed government standards of fairness. If they didn't, the government might require his station to offer free air time to people with other views, or it might punish the owners in a number of ways, including the revocation of their license to be on the air. The whole process was a blatant violation of First Amendment rights – what journalist or commentator today would stand for it? – but it was the way things worked in broadcasting for more than 50 years.

And now it might be coming back. After the Doctrine was repealed, there was an explosion of talk and information on the radio, and today the business is dominated by Limbaugh, Sean Hannity, Laura Ingraham, Bill Bennett, and a long list of other conservatives. Their commercial success, along with the failure of a number of liberal talk-radio ventures, has led some influential people in Washington to argue that the Fairness Doctrine should be revived.

"I have this old-fashioned attitude that when Americans hear both sides of the story, they're in a better position to make a decision," Illinois Democrat Richard Durbin, the number-two-ranking leader in the Senate, said recently. "It's time to reinstate the Fairness Doctrine." John Kerry

agreed, saying the Fairness Doctrine “ought to be there.” And Dianne Feinstein, chairman of the powerful Senate Rules Committee, said she is “looking” at reinstatement. “I think there ought to be an opportunity to present the other side,” she said. “Unfortunately, talk radio is overwhelmingly one-way.”...

...For nearly two decades, liberal activists have tried to counter the success of Limbaugh and the conservative hosts who followed him. First they tried to restore the Doctrine, beginning in 1993 with a bill dubbed “Hush Rush.” That effort died after Republican victories in 1994, so liberals turned to the marketplace, searching for a Rush of their own. For a while, they hoped that Jim Hightower, a former Texas state official with a small on-air following, might be the answer. When Hightower failed, they hoped that Mario Cuomo, the former New York governor, might fit the bill. When Cuomo failed, they came up with the idea of a liberal network, Air America, that would succeed where single hosts had not. But Air America ended up in bankruptcy, although it has recently undergone restructuring and is still at least nominally in business.

Now they’re back to the Fairness Doctrine. In October 2004, Media Matters for America, the liberal watchdog group funded by a number of the same donors who made spectacularly large contributions to Democratic 527 groups in the last few elections, announced a campaign to support New York Democratic representative Louise Slaughter’s bill to re-impose the Doctrine. “Tired of imbalanced political discourse on our airwaves?” Media Matters asked readers in a petition appeal. “By restoring a diversity of fact and opinion to programming, Fairness Doctrine legislation restores a concept [of balance] that has been lost since the 1980s.” The crusade was picked up by a number of “netroots” activists, and now Durbin, Feinstein, and Kerry are on board.

That last development “set off alarm bells,” says Indiana Republican representative Mike Pence. Pence, a former radio-talk-show host himself, was so concerned that in late June he and a colleague, Arizona Republican Jeff Flake, came up with the idea of attaching to an FCC-funding bill an amendment that barred the commission from using its funds to reinstate the Doctrine. The amendment passed the House, 309 to 115.

But it was just a one-year fix. Pence is also sponsoring the Broadcaster Freedom Act, which would permanently take away from the FCC the authority to re-impose the Fairness Doctrine. If it passes, the only way the Doctrine could come back would be by an act of Congress. “The American people need to know that a future Democrat president could appoint members to the FCC and issue executive orders that in combination could bring back the Fairness Doctrine without a single act of Congress,” Pence says. “Our bill, very simply put, deprives the FCC of that authority.”...

Congressman Pence appeared on the 700 Club this morning regarding the Fairness Doctrine. Click [here](#) to watch.