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June 28, 2007

RE: Vote today on Pence Amendment on “Fairness Doctrine”

Dear Member of Congress:

The House will today consider an amendment to the Financial Services Appropriations bill (H.R. 2829), to be offered by Mr. Pence (co-sponsored by Mr. Flake and Mr. Hensarling), to bar the Federal Communications Commission (FCC) from spending money to revive the so-called “Fairness Doctrine” or any regulation with the same substance.

The National Right to Life Committee (NRLC) supports the Pence Amendment, and urges you to vote for it. The recently evident campaign to revive the “Fairness Doctrine” is yet another attempt by some political interests to subdue the voices of those with opposing viewpoints. It has much in common with recent legislative efforts to regulate communications to the public about what is going on in Congress (so-called “grassroots lobbying”), which were rejected earlier this year by both the Senate and by the House Judiciary Committee.

The “Fairness Doctrine” required broadcasters to air opposing viewpoints on controversial issues. In 1987, the FCC repealed the Doctrine, recognizing that it could no longer withstand scrutiny under the First Amendment. Before the repeal, the Doctrine was manipulated by various political actors for the purpose of inhibiting rather than enhancing political debate. As George F. Will recounted in a recent column:

Bill Ruder, a member of [President] Kennedy's subcabinet, said: “Our massive strategy was to use the Fairness Doctrine to challenge and harass right-wing broadcasters in the hope that the challenges would be so costly to them that they would be inhibited and decide it was too expensive to continue.” The Nixon administration frequently threatened the three networks and individual stations with expensive license challenges under the Fairness Doctrine. In 1973, Supreme Court justice and liberal icon William Douglas said: “The Fairness Doctrine has no place in our First Amendment regime. It puts the head of the camel inside the tent and enables administration after administration to toy with TV and radio.”

(See <http://www.msnbc.msn.com/id/18366765/site/newsweek/page/2/>)

The effect of re-imposing the “Fairness Doctrine” would be predictable: Many broadcasters would drop programs which advocate a point of view on a controversial issue or issues. For example, National Right to Life distributes a five-minute daily radio program called “Pro-Life Perspective,” which is broadcast on nearly 200 radio stations, most of them religiously affiliated. The program takes a strong pro-life position on issues such as abortion, human cloning, and euthanasia. If most of these station owners are told by the government that they risk their

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licenses by broadcasting "Pro-Life Perspective" unless they also broadcast a five-minute daily program that promotes abortion, human cloning, and euthanasia, then they will broadcast no program at all commenting on these issues.

When the Doctrine was first issued by the FCC in 1949, its advocates claimed that it did not offend the First Amendment because the public was dependant upon information from a very limited number of government-licensed broadcast outlets. In today's world of multitudinous channels of AM and FM radio, the satellite radio services, the Internet (including Internet access to countless radio stations), hundreds of channels of television, etc., this justification is entirely unpersuasive.

We urge you to reject the counsel of those who would put the government in the business of regulating the content of political speech, and support the Pence-Flake-Hensarling Amendment.

Sincerely,



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