The â€œFairness Doctrineâ€•

Description

â€œIt is a small mind that tries to make the subjective an absolute.â€• â€“ Me 1/19/2007

That being said, Iâ€™m entering the stream of consciousness mode, for this discussion will have legs. Some ground work is necessary, and Iâ€™ll openly admit, I have not done â€œdue diligenceâ€• and located the actual documents from Congress from the late 40s that seem to be the foundation for the currently brewing discussion in our Nation.

My opening quote is to describe a philosophy I picked up from Wesley E. Jordan, Jr. He told us once to not present statements using subjective terms in our briefings, but to present the numbers (or facts) and â€œsmart people will be able to figure it out.â€• There were two parts of that approach: The first was to allow the expertise and experience of others factor in (e.g. someone might see 67% this year as a vast improvement, because they knew it was 28% two years ago, but you werenâ€™t around for that time frame), and you could also flow with the mood if the person you were briefing jumped up and said â€œTHATâ€™S GREAT (HORRIBLE)!â€• Yes, a political dodge, but, at least you acknowledged that things can be more detailed than you are aware of and subjectivity reigns supreme in just about every venue of life. Get over it, itâ€™s not fairâ€¦.

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So now we open a discussion in the public debate arena on â€œfairness,â€• but only in â€œmediaâ€• and itâ€™s being led by the Democratic Party. Great. First off, Iâ€™ll say the devil is in the details and I now prognosticate that the Democratic Party, if they â€œhave their wayâ€• will, once more, fall into the deadly trap they walk into over and over and over (but I digress).

The trap? Precedent. Over 9 months of intensive academic work on a degree in International Relations and Strategic Studies, I walked away with this understanding: â€œItâ€™s always (note the absolute tone) dangerous (not deadly, just dangerous, worthy of serious consideration and, Iâ€™d venture to say, a healthy appreciation for the risk management discipline in cases where physical safety is involved) to set a precedent.â€• Thatâ€™s my line. Use it if you need to, but I swear by it, for I believe I have a comprehension of human behavior that is unassailable in this area. Why is it dangerous? Because, just as feminists have found out in the case of sexual harassment and divorce law: â€œBecause you never know when youâ€™ll have to live by it yourself.â€• (Thatâ€™s the second part of my understanding of human frailties).

This brings me to the understanding that the efforts to apply â€œfairnessâ€• will necessarily provide lots of entertainment value in the field of unintended consequences. If the Democrats, in their efforts to moderate (being kind) or squelch (less polite terminology) or silence (maybe over the top word?) any critics by legislating â€œequal time,â€• let them see the possible firestorm of response that will bring their way. The current concern among conservative talk show hosts, notably Laura Ingraham, Michael Medved and Russ Limbaugh, is the effort is not to make things fair, but to silence them, meaning the conservative talk show hosts, which dominate the RF spectrum was call AM Radio.

If I was them, Iâ€™d push my listeners to do everything they could to get this put back into law, and then, let the games beginâ€¦You have to remember, fairness is about a two way exchange, not one side taking over. Has Nancy Pelosi managed to consider that? Much more to be discussed thereâ€¦

There are many aspects of the details here to debate. on the Laura Ingraham show the day before yesterday, Maurice Hinchey (D-NY) was on. He said this was a revival of the 1949 law, that came about as a result of the people seeing how the media in the nations of the Axis prior to WWII had a large effect on the initiation of the war, and the Fairness Doctrine was an effort to keep from having such narrowness being a major factor in our society. Noble concept, executed by humans (and, therein, lies the pragmatic realities, butâ€¦more later in that vein). Without doing my homework, but knowing some history of the world in the 1930-40s era, Iâ€™d venture to say that â€œmediaâ€• (back them essentially AM Radio) in the nations of our enemies was, in fact, not commercial, privately held, entities, but departments controlled directly and completely by the governments of those countries. If anyone else knows something to the contrary, please leave it in the comments. This being the premise, then to apply a rule set to American â€œmedia,â€• in order to keep from having this happen here is, to be polite, a stretch of logic that boggles the mind. To be less polite, youâ€™d have to be a complete idiot to believe that then, let alone now, that our government has that degree of control over â€œTHE MEDIA!â€•

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If you disagree with me, please send me the name of the person today who is the direct equivalent of this man pictured below:

Portrait of Joseph Goebbels

Joseph Goebbels (Credit: Wikipedia)

If you can produce that personâ€™s name, then Iâ€™ll drop this entire post and commit to not mentioning this topic again. If not, letâ€™s get on with the debate.Thoughts below, that will provide subtopics for this discussion in later posts:

- Who will decide what is â€œfair?â€• I worked for the Government for 20 years. Guess what? I donâ€™t want some committee of civil servants, let alone lawyers, telling me whatâ€™s â€œfair.â€• If you have a brain in your head, youâ€™ll side with me on this, too.
- What will be the definition of â€œmedia?â€• Stand by to stand by on this one. Your world will get rocked, just when you think your opinion conveyance is safely off to the side of the definition.
- Who will pay for equal time?
- If someone takes a year to research and produce a story/editorial/documentary and presents it in a 60 minute time block, and I find the content wrong/not my concept/objectionable/hurts my feelings/(fill in your own stuff here), will I have to respond immediately at the end of the presentation, prepared or not, or will someone, like the Government, in the name of â€œfairness,â€• be compelled to take your tax dollars and pay me to do research and production to present my side of the story/editorial/documentary? (Iâ€™m thinking global warmingâ€¦heh)
- Will the guidelines apply â€œfairlyâ€• to Democratic presidential administrations? Will â€œTHE MEDIA!â€• be required to shift to an opposite tack if we change from a conservative to liberal administration, too, just to be â€œfair?â€•

- Will anyone who wants to object to anything have to sign up with the Federal Government and register as a lobbyist, as they may have an influence on at least 500 hundred people calling/writing/emailing their representatives in Congress?
- Will the Federal Government use a Kelo style approach to taking over â€œmediaâ€• outlets they consider as â€œnot fairâ€• and then give the equipment and licenses to someone that promises to be more equitable?
- Will the Judicial Department take on the corporations that control â€œTHE MEDIA!â€• (say that like you mean it, with drooling sarcasm liberally apparent, please) and try to divide them up when competitors complain, just like they went after Bill Gates at Microsoft and tried to tell him to break his company up?
- Will â€œweâ€• be able to use the legal system to demand the closing down of anyoneâ€™s â€œmediaâ€• vehicle who we donâ€™t think is being â€œfair?â€• Or will we just use this as a excuse to fine the bejesus out out of them and then toss the money in some generic pot for Congress to use as they see fit. You know, like the little town who needs revenue and all of a sudden you notice the â€œSpeed 25 MPHâ€• signs while you are getting later and later and later for your meeting, cooling your heels on the side of the road, waiting for the ticket to sign so you can be on your way?

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Yes, it will get so incredibly ridiculous, even the champions of this movement (that think even CNN is controlled by the White House), will most likely gag on the actual outcome at some point.

I will develop this more, and with Caoâ€™s permission, request to revise and extend my remarks (meaning to post â€œoff scheduleâ€• to continue this interesting discussion) as time and work permit.

You may think Iâ€™m being sarcastic, but just last night, the news said a man, currently jailed for polygamy, is appealing his case based on Lawrence vs. Texas, which declared a bubble of privacy around what people do in the privacy of the bedrooms. Forget the men in the Lawrence case were violating standing law of a communityâ€¦itâ€™s the unintended consequences of the legal decisions that then set the precedent that is followed.

All in all, I can see the application of this policy/law/regulation, in the hands of a capricious group of government employees looking much more like the manner in which Representative Hinchey was so worried about, in the worst of cases, and just an incredible drain on resources for the society as a whole (courts/regulators/arbitration boards/the cost of arbitrary â€œequal timeâ€•/petitions/etc that weâ€™re actually willing to commit.

I say let a free market decide. I say we have so much more freedom of expression than weâ€™ve ever had, to the point that even our enemies must be confused on a daily basis as to just how we will react to anything. Toss our allies in there also.

More? I think I will, thank you (background history post â€“ part I). â€œEqual timeâ€• provided by the â€œCommentâ€• button attached to this post. Go for it!

Crossposted at:
The Wide Awakes
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