



Written by [Raven Clabough](#) on August 24, 2011

FCC Officially Repeals Fairness Doctrine

Implemented post-World War II, the Fairness Doctrine mandated that those with broadcast licenses present controversial issues in a manner dubbed by the commissioner to be fair and balanced. At the time the doctrine was put in place, there were less than 3,000 radio stations in existence, as opposed to the 14,000 today.

As [noted](#) by *The New American*'s Daniel Sayani, while much of the regulation pertaining to the Fairness Doctrine was repealed in the 1980s under FCC Chairman Fowler, the doctrine technically remained on the books.



House Republicans vowed to eliminate the Fairness Doctrine after winning the House in 2010. Genachowski announced his intent to scrap the doctrine in June, after submitting to pressures from House Republicans to do so. Rep. Fred Upton (R-Mich.), Chairman of the House Committee on Energy and Commerce, sent a letter to Genachowski asking how the FCC plans to respond to the President's directive on regulatory reviews, referring to Obama's Executive Order to rollback unnecessary and burdensome regulations:

We have yet to see a plan from your agency on how it will implement the January 2011 order and begin eliminating other outmoded and economically harmful regulations. When will you begin eliminating other antiquated rules that stifle investment and harm innovation? What concrete steps will you take to reduce the burden on small businesses, who are today's primary engine for jobs growth? How many jobs will you create through your deregulatory efforts?

Genachowski responded by submitting a letter to Upton, which indicated he would be making a recommendation to delete the Fairness Doctrine as part of the agency's efforts to eliminate "antiquated and outmoded rules that unnecessarily burden business." The letter read:

As I stated at my confirmation hearing and on numerous subsequent occasions, I oppose the Fairness Doctrine, which has been a dead letter at the Commission for more than two decades. In my view, the Fairness Doctrine holds the potential to chill free speech and the free flow of ideas, and accordingly, was properly abandoned. The General Counsel has advised me that the FCC's abandonment of the Fairness Doctrine had the legal effect that the Commission intended, and that the Fairness Doctrine is unenforceable even without an affirmative rulemaking proceeding and vote of the Commission to revive it. I have publicly stated many times that I would not initiate any effort to reinstate the Fairness Doctrine.

When Upton learned of Genachowski's intent to remove the rule, he and Rep. Greg Walden (R-Oregon), Chairman of the Subcommittee on Communications, issued a joint statement that read, "We are heartened by your continued opposition to the Fairness Doctrine because of its chilling effects on free speech and the free flow of ideas."



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Critics of the Fairness Doctrine have bemoaned what they perceive to be its violation of the right of free speech. Though the doctrine had been all but abandoned in 1987 under President Ronald Reagan, it remained on the books until Monday's move. Up until then, critics feared that the doctrine would be revived in order to stifle conservative talk radio.

The Fairness Doctrine was introduced in 1949 and was backed by Congress in 1954. By the 1970s, the FCC referred to the doctrine as the "single most important requirement of operation in the public interest — the sine qua non for grant of a renewal of license."

In 1987, the FCC voted to stop implementing the rule, but the language was never removed from the books. On Monday, however, the rule was removed from the *Federal Register*. *Politico* explains:

Monday's move is part of the commission's response to a White House executive order directing a "government-wide review of regulations already on the books" designed to eliminate unnecessary regulations.

Also consigned to the regulatory dustbin are the "broadcast flag" digital copy protection rule that was struck down by the courts and the cable programming service tier rate. Altogether, the agency tossed 83 rules and regs.

According to Genachowski, the move was intended to promote "a healthy climate for private investment and job creation."



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