Written by Ginny Grimsley
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While recent protests over proposed legislation addressing media entertainment piracy were loud and widespread, a veteran TV executive says the public seems unaware of an even greater threat to our free speech and a free press.

"People voiced concern about whether SOPA and PIPA (the House and Senate piracy bills) would limit free speech on the Internet. But the resurrection of television's old Fairness Doctrine, so government could again edit and censor news is a far more ominous threat," says Corydon B. Dunham, former 25-year NBC-TV executive and author of Government Control of News: A Constitutional Challenge.

"The Federal Communications Commission has drafted a new policy for government control of news. And even though a special study last year recommended that such a censorship policy be scrapped, it's still pending, with the potential for action. Frankly, I'm surprised there is no outcry or debate about this political threat to distort news and speech and suppress them."

The FCC's proposed new Localism, Balance and Diversity Doctrine mirrors many aspects of the long-dead Fairness Doctrine, he says. That doctrine was revoked in 1987 when the FCC and the courts found that it had suppressed news, chilled speech, imposed censorship, prevented criticism of the administration then in office, and created an atmosphere of "timidity and fear."

"The new localism doctrine is very similar." Dunham says. "It would force television stations to provide government 'localism' in news production and coverage – as well as revise news reports to comply with government dictates on news balance and viewpoint diversity. Failure to comply could mean loss of the station license to broadcast.

"It may sound good to some people, but in the past, government investigations and regulation enforcement deterred news broadcasts about public and political issues. to keep their broadcast licenses, stations had to conform their news and political reports to what they believed FCC commissioners would approve or revise news reports to what the commissioners did approve.

"The FCC itself finally revoked that doctrine as against the public interest. Since the FCC is planning to transfer to the internet the broadcast spectrum now used by local TV, news websites ultimately could fall under the new Internet rules."

Here are some highlights of the old doctrine and the new one:

• The Fairness Doctrine ruled TV news broadcasters from 1949 to 1987. Believing that the communication power of this, at the time, new medium concentrated great power in few hands, the government mandated that broadcast stations provide what the FCC would decide and dictate as appropriate "contrasting view" coverage.

• Under the Localism Doctrine, enforcement would not only be the job of the FCC, but also of a local board added at each station to monitor programming, including news. the members of that board would be required to recommend against a station's license renewal if they thought station programming news was not complying with this new FCC policy on localism, balance and diversity.

• Under localism rules, a three-vote majority of five politically appointed FCC commissioners at a central government agency would make local news judgments. They would override independent, local TV reporters and editors to impose government agency views on what should be reported and how.

"This new policy, if activated, would directly target news and speech on television and enable an administration to use news coverage to manipulate and influence public opinion about important public and political issues," Dunham says. "The effect would inevitably be something quite different from independent news."

That isn't speculation, Dunham notes. It's history.

About Corydon B. Dunham

Corydon B. Dunham is a Harvard Law School graduate. His Government Control of News study was initiated at the Woodrow Wilson International Center for Scholars, Smithsonian Institute, and expanded and developed for the Corydon B. Dunham Fellowship for the First Amendment at Harvard Law School and the Dunham Open Forum for First Amendment Values at Bowdoin College. Dunham was an executive at NBC from 1965 to 1990. He oversaw legal and government matters and broadcast standards. He was on the board of directors of the National Television Academy of Arts and Sciences, American Corporate Counsel Association, and American Arbitration Association among other posts.