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Abolish the FCC

In the rush to grant the FCC greater control over broadcasters, no one has noticed that the FCC's very existence is a violation of free speech. *continued* ►

by Robert Garmong



Since the infamous “wardrobe malfunction” at the Super Bowl, there have been strident demands for a crackdown by a tougher, stricter Federal Communication Commission. The FCC’s various commissioners now call for the power to regulate cable television, in addition to broadcast media. In June Congress voted to increase the maximum fine the FCC can impose tenfold, from \$27,500 to \$275,000. Commissioner Michael Copps has vowed that he will not be satisfied until “I see us send one or two...cases for license revocation.”

In this headlong rush to expand the government's authority over the media, no one has paused to consider whether the government should have such authority in the first place. No one has noticed that the very existence of the FCC is a flagrant violation of the right to free speech.

Throughout history the norm was tyranny over the mind. Men were allowed to speak only by government imprimatur, until America's first amendment established free–

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dom of speech as a central premise of our nation. The first amendment declares that "Congress shall make no law...abridging the freedom of speech, or of the press." This language could not be clearer, or more absolute: no matter who disagrees with you or considers your speech offensive, the government may not abridge your right to say it.

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Free speech is the protection of the rational mind and its literary, intellectual, and scientific products. It means the absolute right to express one's views, so long as one does not violate the rights of others. Free speech means no American should fear the fate of Galileo, persecuted for daring to assert scientific truths that contradicted the official Church's doctrines, nor that of Socrates, put to death for offending the state.

Yet the FCC exists to dictate what can be said on-air. Each year since the early days of radio, every broadcast station must apply to the FCC for permission to use the air-waves. In exchange for their licenses, broadcasters must promise to serve the "public interest." Stations that the FCC regards as having failed to do so can be fined, or even shut down, at the FCC's sole discretion.

The putative justification for the FCC's regulation of broadcasters is that the airwaves are public property. But just as the government does not own—and so has no legiti-

mate control over—the presses of the New York Times, so it has no business regulating what may be broadcast over airwaves. The airwaves, which would be useless without the transmission networks created by radio and television stations, belong to the individuals and companies that developed them. Broadcasters should not have to plead to the authorities for annual licenses, any more than a homeowner should have to beg for an annual license to use the patch of land he has developed.

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No other media in America is subjected to such persecution. If the *New York Times* or Barnes & Noble publishes and distributes content some members of the public disapprove of, the government cannot threaten them with fines or penalties. But let Howard Stern offend a listener, and Clear Channel is hammered with over a million dollars in fines.

So far, only "indecenty" has been targeted by the FCC's crackdown—but politicians on both sides of the aisle have begun whispering demands to censor PBS or the Fox News Channel, on the grounds that their alleged biases violate the "public interest." Both the liberals, with their political correctness, and the conservatives, with their puritanical

religious ethic, claim to speak for the "public interest." Can it be long before the two sides begin the battle over which ideas and values Americans are allowed to see and hear on-air?

As the FCC wields its club ever more fiercely, broadcasters are running scared. Clear Channel has canceled its "shock-jock" programs. Skittish station-managers have bleeped out words like "urinate," "damn," and "orgy" from the Rush Limbaugh program. Most ominous, The National Association of Broadcasters convened a "Summit on Responsible Programming" to define industry-wide standards of self-censorship.

America was founded on the freedom of speech—on the right and responsibility of the individual to decide what to say, and what to listen to. Yet in the name of protecting ourselves from being offended—and almost without noticing it—we are well on the way to surrendering that crucial right to the control of the omnipotent state.

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
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