Twitter Thread by Paul Matzko

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If a critical mass of people on twitter generate enough Section 230 hot takes, all that energy fuses to create renewed interest in the #FairnessDoctrine.

I wrote a book on the FD so let me walk you through why reviving it would be a terrible, horrible, no good, very bad idea.

First, the Fairness Doctrine was responsible for the most successful episode of government censorship of the past half century. While the Fairness Doctrine was technically created to encourage fair and balanced coverage of “controversial issues of public importance"...

...in the 1960s the Kennedy administration weaponized it to punish conservative radio critics. You see, fairness is in the eye of the beholder--which is the FCC--and the person who appoints the commissioners--the president--gets a say in what looks fair or foul.

(JFK also launched targeted IRS audits of his right-wing radio antagonists; the power to tax is the power to destroy, after all.) Stations responded to the secretly government-organized pressure by dropping conservative broadcasters in order to avoid Fairness Doctrine complaints.

And lest you think this Fairness Doctrine stuff is just conservative bellyaching, bear in mind that the Nixon administration used the threat of Fairness Doctrine enforcement to help bring television network heads to heel.

For example, Nixon sent Chuck Colson over to CBS to complain about their coverage of the Vietnam War; the implied threat of Fairness Doctrine enforcement resulted in the executives being “accommodating, cordial, and almost apologetic.”

Indeed, it’s notable that tv and radio networks—which don’t have the same free speech protections as print media—were submissive, leaving it to the Washington Post to do the crucial journalism that resulted in exposing the Watergate scandal.

Nixon even tried to get the WaPo’s owner, Katharine Graham, to back off by the FCC forcing her to divest of a very lucrative television station. The Fairness Doctrine (& other public interest regulations) were invaluable & bipartisan tools for suppressing political dissent.

But this wasn't a novel habit in the 60s/70s. Indeed, as far back as the 1930s, at the birth of the regulated era of the radio industry, the temptation to mess with political opponents via media regulation was just as intense.

For instance, FDR didn't like it when conservative newspaper owners criticized the New Deal, and they were expanding into radio station ownership. So FDR "put the blowtorch" on his FCC chairman to use various proposed regulations to punish anti-New Dealers.

In short, the history of the Fairness Doctrine shows that it ought to be more properly labeled the Un-Fairness Doctrine. It is a nearly unbroken succession of government censorship, partisan regulatory capture, and political ratfuckery.

Applying these kinds of regulations to the internet would be a disaster and result in a chilling effect on free speech, the routinization of partisan gamesmanship in internet regulation, and, I suppose, a new class of wealthy communications lawyers.

On another occasion, I'll flesh out the implications for today in greater detail. But If you're interested in reading more about the history of the Fairness Doctrine, here's a link to my book.

https://t.co/Y0UNuumUMg

If you want the short, free version, here's a link to a piece I wrote for the Cato Institute. https://t.co/TrF3woOapP

And here's a paper I wrote with @JohnSamplesCato for @knightcolumbia that touches in greater length on the FDR and Nixon episodes.

https://t.co/3ppLTMrYjH