New FCC 'Chief Diversity Officer' Wants Conservative Radio Stations Fined $250 Million

Zogby/O'Leary Poll shows most American voters disagree with Mark Lloyd's call for Fairness Doctrine-style censorship

By Brad O'Leary

Washington, D.C. — Federal Communications Commission Chairman Julius Genachowski recently appointed Mark Lloyd, a former senior fellow at the George Soros-funded Center for American Progress (CAP), to be the FCC's "Chief Diversity Officer." Lloyd is a proponent of the Fairness Doctrine and recently wrote that the Doctrine, and other regulatory tools such as localism and diversity mandates, should be employed by the FCC to limit the number of conservative voices on the air and supplant them with liberal voices. He also suggests fining conservative radio stations up to $250 million and giving the proceeds to national public radio. According to polling conducted by Zogby International and *The O'Leary Report*, most American voters disagree with what Lloyd prescribes.

The Zogby/*O'Leary* poll shows that 66 percent of American voters oppose efforts by the FCC to force localism and diversity mandates on broadcasters. A large majority of Independent voters (75 percent) oppose the mandates, as do 67 percent of young voters age 18 to 29. Even a plurality of those who voted for President Obama (41 percent) oppose the localism and diversity rules, while 39 percent of Obama voters support them. (The poll surveyed 3,937 voters April 24-27 and has a margin-of-error of plus-or-minus 1.6 percentage points.).

Lloyd co-authored a paper in 2007 for CAP that strongly urges the FCC to balance the airwaves through shortened broadcast license terms, diversity mandates and strict localism rules. "But," Lloyd writes, "we do not call for a return to the Fairness Doctrine." However, the report itself reveals this is likely because Lloyd doesn't think the Fairness Doctrine ever left, and therefore, it can still be enforced.

According to Lloyd and his colleagues: "First, from a regulatory perspective, the Fairness Doctrine was never repealed…The Supreme Court…has never overruled the cases that authorized the FCC's enforcement of the Fairness Doctrine. Many legal experts argue that the FCC has the authority to enforce it again – thus it technically would not be considered repealed…Thus, the public obligations inherent in the Fairness Doctrine are still in existence and operative, at least on paper."

Lloyd goes on to say that the Fairness Doctrine was never an effective tool by itself, but rather, was effective as a part of a larger "regulatory structure that limited license terms to three years, subjected broadcasters to license challenges through comparative hearings, required notice to the local community that licenses were going to expire, and empowered the local community through a process of interviewing a variety of local leaders."

FCC Chairman Julius Genachowski recently testified to the Senate during his confirmation hearing that he did not support reimposing the Fairness Doctrine. However, his appointment of Mark Lloyd, one of the Doctrine's biggest supporters, seems to make a mockery of that testimony.

Many top conservative radio show hosts have formed a coalition called "Don't Touch My Dial" (www.donttouchmydial.com) to counter censorship efforts by the FCC. The coalition is chaired by nationally syndicated radio host Roger Hedgecock.

According to Lloyd, the success of conservative talk radio, and the failure of liberal talk radio, is not because conservative talk radio is more popular with radio listeners, but rather, it is indicative of a market failure in need of a regulatory fix.

To limit the number of conservative voices on the air, Lloyd prescribes shortening broadcast license terms from eight to three years, and allowing "local community leaders" and activists to weigh-in on whether or not a station's license should be renewed. He also proposes creating regulations to increase broadcast ownership diversity "both in terms of the race/ethnicity and gender of the owners."

Lloyd's proposal for enforcing these strict rules is likely to draw even more controversy. According to Lloyd, commercial broadcast owners who do not comply with these regulations would be forced to pay a fine, the proceeds of which would "directly support local, regional, and national public broadcasting." Lloyd estimates that the fines "would net between $100 million and $250 million" for the Corporation for Public Broadcasting, which in turn would, according to Lloyd and his colleagues, "cover controversial and political issues in a fair and balanced manner."

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