

THE WALL STREET JOURNAL.

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COMMENTARY

The FCC Wades Into the Newsroom

Why is the agency studying 'perceived station bias' and asking about coverage choices?

By Ajit Pai

Feb. 10, 2014 7:26 p.m. ET

News organizations often disagree about what Americans need to know. MSNBC, for example, apparently believes that traffic in Fort Lee, N.J., is the crisis of our time. Fox News, on the other hand, chooses to cover the September 2012 attacks on the U.S. diplomatic compound in Benghazi more heavily than other networks. The American people, for their part, disagree about what they want to watch.

But everyone should agree on this: The government has no place pressuring media organizations into covering certain stories.

Unfortunately, the Federal Communications Commission, where I am a commissioner, does not agree. Last May the FCC proposed an initiative to thrust the federal government into newsrooms across the country. With its "Multi-Market Study of Critical Information Needs," or CIN, the agency plans to send researchers to grill reporters, editors and station owners about how they decide which stories to run. A field test in Columbia, S.C., is scheduled to begin this spring.

The purpose of the CIN, according to the FCC, is to ferret out information from television and radio broadcasters about "the process by which stories are selected" and how often stations cover "critical information needs," along with "perceived station bias" and "perceived responsiveness to underserved populations."

How does the FCC plan to dig up all that information? First, the agency selected eight categories of "critical information" such as the "environment" and "economic opportunities," that it believes local newscasters should cover. It plans to ask station managers, news directors, journalists, television anchors and on-air reporters to tell the government about their "news philosophy" and how the station ensures that the community gets critical information.

The FCC also wants to wade into office politics. One question for reporters is: "Have you ever suggested coverage of what you consider a story with critical information for your customers that was rejected by management?" Follow-up questions ask for specifics about how editorial discretion is exercised, as well as the reasoning behind the decisions.

Participation in the Critical Information Needs study is voluntary—in theory. Unlike the opinion surveys that Americans see on a daily basis and either answer or not, as they wish, the FCC’s queries may be hard for the broadcasters to ignore. They would be out of business without an FCC license, which must be renewed every eight years.

This is not the first time the agency has meddled in news coverage. Before Critical Information Needs, there was the FCC’s now-defunct Fairness Doctrine, which began in 1949 and required equal time for contrasting viewpoints on controversial issues. Though the Fairness Doctrine ostensibly aimed to increase the diversity of thought on the airwaves, many stations simply chose to ignore controversial topics altogether, rather than air unwanted content that might cause listeners to change the channel.

The Fairness Doctrine was controversial and led to lawsuits throughout the 1960s and ’70s that argued it infringed upon the freedom of the press. The FCC finally stopped enforcing the policy in 1987, acknowledging that it did not serve the public interest. In 2011 the agency officially took it off the books. But the demise of the Fairness Doctrine has not deterred proponents of newsroom policing, and the CIN study is a first step down the same dangerous path.

The FCC says the study is merely an objective fact-finding mission. The results will inform a report that the FCC must submit to Congress every three years on eliminating barriers to entry for entrepreneurs and small businesses in the communications industry.

This claim is peculiar. How can the news judgments made by editors and station managers impede small businesses from entering the broadcast industry? And why does the CIN study include newspapers when the FCC has no authority to regulate print media?

Should all stations follow MSNBC’s example and cut away from a discussion with a former congresswoman about the National Security Agency’s collection of phone records to offer live coverage of Justin Bieber’s bond hearing? As a consumer of news, I have an opinion. But my opinion shouldn’t matter more than anyone else’s merely because I happen to work at the FCC.

Mr. Pai is a commissioner of the Federal Communications Commission.