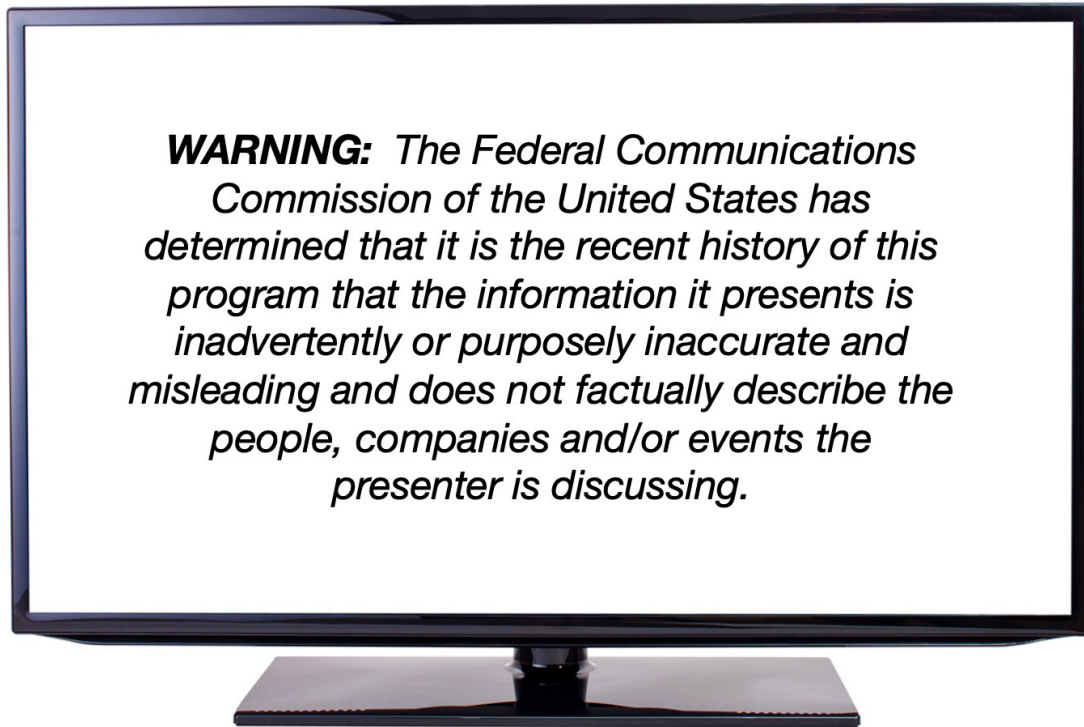


## Missing the Point – Engaging the FCC to Break Up the Rightwing Base of the Republican Party

Wednesday, March 8, 2023



(The flat screen TV background is from Shutterstock.)

The text in the featured image above is not an official FCC notice. I wrote it. Perhaps it should be more direct and less official sounding? Something like, *“This talking head is lying to you for money. Maybe you should consider getting your news someplace else?”* More on the wording of an FCC warning in a moment.

In [last week’s “Missing the Point” op/ed](#), I talked about how we might breakup the Republican rightwing base that supports Trump, DeSantis and other ridiculous and outright scary Republican candidates. I have some more thoughts on the subject, so I’ve decided to write a sequel. This is it.

First of all, let’s draw from our almost 60-year history of marketing to people either already addicted or in danger of becoming addicted to cigarette smoking. Our government, bless its heart, to this day has not had the courage to make cigarettes illegal despite overwhelming evidence that they are seriously harmful to people who smoke and who are exposed to secondhand smoke.

The “Cigarette Labeling and Advertising Act,” passed in 1965, mandated that a disclaimer be printed on individual packs of cigarettes. Famously, it read, “Caution: Cigarette Smoking May Be Hazardous to Your Health.” Subsequent labels were upgraded from “Caution:” to “Warning:” and became more explicit, but didn’t drop the adverb “may” until the “Public Health Cigarette Smoking Act” of 1969 which took cigarette advertising off television and radio.

While cigarette smoking is significantly down from its peak in the 1960s, the fact that you can still buy cigarettes at grocery and even drug stores is ridiculous and deplorable. How conflicted and flat our wrong is it that, at the pharmacy counter, you can buy medicines that can prolong and save your life and then, on your way out, pick up a carton of cigarettes that will shorten and may eventually end your life prematurely?

*“So what?”*

Well, maybe it’s time for us – for the FCC – to start labeling news shows that lie to you. Let’s make Congress require that the FCC attach a disclaimer, a warning label to news shows that are purposely providing misleading information of a serious and profound nature. Maybe something like...

*“It is the recent history of this program that the information it presents is inadvertently or purposely inaccurate and/or misleading and does not factually describe the people, companies and/or events the presenter is discussing.”*

The *“It is the recent history...”* introduction recognizes that such a warning label cannot be posted live when the untruthful copy is first delivered. The label – which would be displayed as an occasional fixed screen PDA with a voice reading the text of the disclaimer – would remain in effect until, let’s say, 30 days after the last incident. Think of it as an Underwriters Laboratory (UL) label, but for integrity in journalism instead of electrical wiring. The FCC is already an independent government agency, like the FDA, so I’m willing to trust its judgement, subject of course to the rules and guidelines of federal law.

More to the point, Fox and other cable and online news sources – *including social media* – are not currently under FCC control. Neither are the original broadcast networks, like ABC, CBS and NBC for that matter. The FCC only controls individual radio and television *stations* and that’s what we need to change. It can’t be just about radio and television stations, not with today’s technologies and media. FCC involvement needs to be about all news media, whatever their form.

*“Why involve the FCC?”*

Because lies propagated by an FCC-licensed news show will jeopardize its right to broadcast, to be seen and heard. Consider this paragraph on “News Distortion” from

[the FCC's "The Public and Broadcasting"](#) which is highly recommended reading for anyone seriously interested in curtailing, not opinions the expression of which is protected by the First Amendment, but the outright misrepresentation of facts for political and/or commercial purposes...

and the disclaimer is presented in a reasonable manner under the circumstances, the program is presumed not to pose foreseeable public harm.

**News Distortion.** The Commission often receives complaints concerning broadcast journalism, such as allegations that stations have aired inaccurate or one-sided news reports or comments, covered stories inadequately, or overly dramatized the events that they cover. For the reasons noted previously, the Commission generally will not intervene in these cases because it would be inconsistent with the First Amendment to replace the journalistic judgment of licensees with our own. However, as public trustees, broadcast licensees may not intentionally distort the news. The FCC has stated that "rigging or slanting the news is a most heinous act against the public interest." The Commission will investigate a station for news distortion if it receives documented evidence of rigging or slanting, such as testimony or other documentation, from individuals with direct personal knowledge that a licensee or its management engaged in the intentional falsification of the news. Of particular concern would be evidence of the direction to employees from station management to falsify the news. However, absent such a compelling showing, the Commission will not intervene.

**Political Broadcasting: Candidates for Public Office.** In recognition of the vital role that broadcasting plays in the

Note, in particular, this key phrase in the fifth line... *"However, as public trustees, broadcast licensees **may not intentionally distort the news.**"* All I'm suggesting is that Congress broaden the scope of the FCC's coverage to include cable and social media outlets that are sources of news content.

Just take a second to let that last point sink in. This is one of those ideas that you might reject out of hand at first, but that grows on you the longer you let it roll around your brain. Think of the problems this solution solves. For one thing, it brings all sources of news, not commentary like this op/ed, but news – regardless of the media technology or the age group the media serves – under a single umbrella. And because the FCC controls the license that allows for the transmission of this news, persistent, profound and purposeful misrepresentation of the facts can be stopped by the revocation of the license.

Are there significant definitions and rules to be worked out to engage the FCC? Of course there are, but, *come on*, our entire government and legal system is nothing but definitions and rules. We can do it. It's a walk in the park. And, even if it's the hardest thing we ever do, it's well worth the effort given the consequences if we don't.

Good news... If we ever needed some revelatory moment to motivate us, the recent admissions by Fox's Rupert Murdoch and related communications among selected Fox cable new headliners who supported Trump's "Big Lie" are the proof-positive we've been waiting for. Not to mention, [Tucker Carlson's grotesque editing](#) of January 6 video to redefine the reality of what happened at the Capitol. This is, in other words, as good a time as any for Congress, even with a slim Republican majority in the House, to pay attention and act.

In asking you to think about what I'm suggesting, I can't emphasize strongly enough that we are not discussing any degradation of freedom of speech. Zero. All we're talking about doing is updating the scope of what the FCC already does and has done for decades with full Congressional approval to cover new technologies – cable and social media – that weren't in existence when radio and then television were the dominant news media. That's all we're talking about.

Lest you forget, the January 6 attack on the Capitol building, instigated by the then President of United States who, not incidentally, is running again for President, was by people who were misinformed about the outcome of the 2020 election. Misinformed by people, parading as journalists, taking advantage of the presumption of integrity, who were knowingly lying their heads off for personal and corporate financial gain. And, in the two years since then, we've done nothing to stop them.

-Les Cohen

Les Cohen is a long-term Marylander, having grown up in Annapolis. Professionally, he writes and edits materials for business and political clients from his base of operations in Columbia, Maryland. He has a Ph.D. in Urban and Regional Economics. Leave a comment or feel free to send him an email to [Les@Writeaway.us](mailto:Les@Writeaway.us).

