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## **Congress 2007: MORA the same?**

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The first “hundred hours” are over. And while the Democrats now in control of Congress continue to focus on war, peace and economics, media regulation can still evoke passionate discourse – and some legislative proposals, as well.

Of course, media regulation is usually a lofty sounding proxy term for broadcast regulation. After all, the First Amendment protections keep lawmakers out of editorial decisions unless the media outlet requires such federal property as the airwaves for its operation. Clearly, the Democrats are not about to license newspapers or web sites. But if they can counteract Rush Limbaugh – now that might be a goal the current Congressional majority might welcome, just as Newt Gingrich’s crowd went after public broadcasting until Big Bird’s dedicated squadron dive-bombed them into submission.

Take the “Media Ownership Reform Act,” which would take on Rush by, among things, re-imposing the fairness doctrine. Known informally as “MORA,” one of its prime sponsors, New York Congressman Maurice Hinchey, has been expounding on the beauty of forcing Limbaugh’s stations to air views contrary to those of Rush’s self-described ditto-heads. Of course, the Air America stations broadcasting Al Franken and other left-leaning counterpoints to the Ditto-crowd would also have to provide similar exposure to the views of others. So too would all those that have inherited the mantle passed from the now old “New Left”, and even the stalwart “old ‘New Left’” folks at such longstanding licensees as Pacifica Foundation.

MORA also aims to force increased “public service” obligations on licensee and re-impose certain multiple ownership restrictions – and those would not merely limit future transactions, but would also require divestiture of stations when multiple ownership arrangements, once legal, cease to meet current regulations. Yup – the end of grandfathering as we know it.

MORA was previously introduced back when the GOP held the reins of legislative power, so its previous incarnations were best described as quixotic. Today, while still not necessarily a high agenda item, MORA no longer appears as an impossible dream. That is especially so in view of the fact that Dennis Kucinich (D-OH), a presidential hopeful who has secured the chairmanship of the Domestic Policy Subcommittee of the House Government Reform Commission – a new

subcommittee which will focus on communications issues – has been vocal on such issues, and has even made noises about trying to bring back the Fairness Doctrine.

But even without Congressional Democrats performing the full MORA, more political pressure exists today to get the FCC to increase regulatory activity – and increase it well beyond the agency’s recent crusade to curtail dirty words and pictures.

Typical of the current rhetorical climate on Capital Hill, North Dakota Democratic Senator Byron Dorgan mixed it up with the FCC’s Republican Chairman, Kevin Martin, at a hearing in early February. With Chairman Martin sitting just a gavel’s-toss away at a hearing room witness table, Dorgan railed against loosening of ownership restrictions that the Senator says have “emasculated” the public interest.

The same guys once described by Republican Vice President Spiro Agnew as an “effete corps of impudent snobs” have apparently lost their testosterone. Chairman Martin retorted that public interest is made more “robust” by allowing market forces freer reign.

But all analogies to virility aside, it is clear that politicians of all stripes in many eras have calculated political benefit from attacking “the media”. You might even call it a hallowed tradition that, like a college football cheer, creates emotional impact throughout the bleachers. After all, who doesn’t feel that, at some time or another, “the media” have gone too far. This is true even if, like an ink blot test, what any individual sees in “the media” reflects subjective inner psychology much more than quantifiable, objective truth. Politicians are all for goodness, justice and community – and for forcing “the media” to act in the interest of their interpretation of such lofty goals.

Of course, the entertainment industry remains one of the Democrats’ biggest and most reliable sources of campaign money. True, some parts of the entertainment community have interests on one side of the issue and others, such as those who hold licenses, may have interests on the other. But ultimately, in a world where even such leading Democratic presidential hopefuls as Hillary Clinton plan to forgo federal campaign money in order to tap into the copious amounts of private campaign money already chasing front-runners, it seems that broadcasting companies can keep political talk from becoming a regulatory walk by remaining deeply engaged.

With younger audiences getting their civics increasingly from new technologies instead of the mature broadcast medium, politicians may ritually go ballistic on the media powers-that-appear-to-be but, in reality, they too are well aware that their futures and fortunes will be made not by going ballistic on old media, but by going viral to reach core constituencies via the Internet.

While it makes good headlines to go after Rush, it may ultimately make more people happy to champion such causes as Net Neutrality. The broadcast deregulatory environment of the last decade is facing climate change. But it remains far from clear whether broadcasters will suffer more than the slings and arrows of outrageous rhetoric. The answer may lie not in the political stars, but in themselves, and how well the entertainment industries plays the political game under Washington’s revised set of rules as the nation lurches toward the post-W era.