

## [Assault on Free Speech](#)

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Heritage Foundation

Following a [premeditated White House campaign](#) to demonize Rush Limbaugh, Newsweek aided the left's "Hush Rush" campaign with a [cover story](#) pushing for Rush to be silenced. Now, Rush can handle criticism from the White House and Newsweek just fine. But there was also a little noticed vote in the Senate late last month that could enable the left to accomplish by government regulation what they could never accomplish with actual debate

During the debate over [the unconstitutional bill](#) that would give the District of Columbia a vote in the House of Representatives, Sens. Jim DeMint (R-SC) and Dick Durbin (D-IL) each sponsored amendments with major implications for the First Amendment. DeMint's amendment banned the Federal Communications Commission (FCC) from reinstating the Fairness Doctrine which, prior to 1987, was used by the government [to stifle free speech](#) on our nation's airwaves. DeMint's amendment passed 87-11. Score one for free speech.

However, Durbin's amendment also passed, although by a much narrower 57-41 margin. And what does Durbin's amendment do? It forces the FCC to ["take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest."](#) In other words, Durbin wants to bring the wonders of government enforced affirmative action to our nation's airwaves. Sen. James Inhofe [warns](#): "The revocation of broadcaster licenses [under the Durbin Doctrine] is a real possibility, which at the very least will threaten the willingness of broadcasters to appeal to conservative listeners."

The true intention of the Durbin Doctrine could not be more clear. Its language is modeled after a Center for American Progress report that aims to fix ["The Structural Imbalance of Political Talk Radio."](#) And just two years ago, Durbin told [The Hill](#): "It's time to reinstitute the Fairness Doctrine. I have this old-fashioned attitude that when Americans hear both sides of the story, they're in a better position to make a decision."

Durbin's commitment to squelching free speech has not diminished at all since that 2007 statement. But Durbin has gotten smarter. He knows that reinstating the old Fairness Doctrine is a non-starter so he has come up with a new but equally pernicious law that will accomplish the exact same thing. Conservatives need to wise up in the fight for free speech. The Fairness Doctrine is dead. The real threat is the Durbin Doctrine.