

Articulate voices contend that to require the broadcaster to provide balanced programing, serving audiences in our pluralistic society, or to review, in the licensing context, the extent to which the broadcaster has ascertained and fulfilled programing needs of the community, is unconstitutional as an infringement of free speech or press.

Some of these spokesmen would reduce the role of the Commission to one of preventing interference between broadcast signals. They would leave a license free to broadcast "the Old Grey Mare" all day long, or to broadcast solely his views, or to propagandize as the broadcaster might choose, not that a responsible broadcaster would do that.

If the fairness doctrine should be abandoned, it may be anticipated that soon thereafter these spokesmen would seek an exception of programing from the public interest standard. If the available broadcasting channels were unlimited, or even bountiful, and if the underprivileged as well as the wealthy were able to own a station or stations, complete freedom of the broadcaster to serve his own interest rather than that of the public might be feasible.

However, even under that imaginary situation, there would be a need to prevent the broadcast of obscenity, fraudulent schemes, quack medical remedies, and the like. But that imaginary abundance of channels does not exist and will not exist in the foreseeable future. The needs for spectrum space by mobile carriers, industry, ships at sea, the military, government, education, and the like, grows faster than the technology can develop equipment capable of broadcasting over the electromagnetic waves in the highest frequencies.

If the fairness doctrine were abandoned and this were followed by abandonment of the public interest standard as applied to broadcast of programing in general, would it longer be reasonable to retain the diversification doctrine, limiting concentration of control of broadcasting facilities?

Would it longer be reasonable to limit the control of networks over their affiliates?

Would there longer be good reason for protecting the character of local broadcasting stations as local institutions by preventing cable-TV, pay-TV, direct broadcast from satellite to the home, and other technological developments from impairing the economic position of the local broadcaster?

In deliberating upon the equal opportunities and fairness doctrines, the caution lamp should be lit because these doctrines are close to the heartbeat of the free society.

Following a substantial period of regulation through the equal opportunities and fairness doctrines, it may be anticipated that, even if the doctrines were abandoned, responsible broadcasters would continue to serve for some time at the same high level of service which they are rendering today. However, it may be anticipated that, absent the statutory provision and regulation, some broadcasters would not continue to serve adequately the political and public affairs needs of the community.

Moreover, in time, competition between irresponsible and responsible broadcasters might prompt responsible broadcasters to decrease their service in providing equal political opportunities and in broadcasting contrasting viewpoints on controversial issues of public importance.

The starting point in analyzing most problems in broadcasting—