

political parties. It is doubtful that this problem will be solved unless we retain an equal opportunities doctrine.

Moreover, the State and local political contests pose problems the solution of which is facilitated by the equal opportunities doctrine.

Also, during the panel sessions, discussion will be held on whether the fairness doctrine should be abandoned, modified, or retained unchanged. Unquestionably, practice of the fairness doctrine requires more judgment by the broadcaster than does the equal opportunities doctrine. Nevertheless, responsible broadcasters say that, with experience, one develops a sense of judgment in the application of the doctrine. It appears that more difficulty is experienced by the small broadcaster who lacks sufficient personnel to permit one of the staff to develop expertise in applying the doctrine.

While the Congress recognized the fairness doctrine in the 1959 amendments to section 315, the statute does not define the fairness doctrine with the particularity given to the equal opportunities doctrine. Probably an amendment relating to the fairness doctrine would be helpful in the administration of the doctrine. At least this would clear the air on whether the Congress in the 1959 amendments to section 315, adopted the Commission's application to the fairness doctrine under the public interest standard of the statute.

Of course, the Supreme Court may well decide that issue in the *Red Lion* and *RTNDA* cases.

The Commission's Fairness Primer gives helpful guidance to broadcasters. Understandably, the Commission has been reluctant to regulate under the fairness doctrine more than necessary, because it is the responsibility of the broadcaster to make programing judgments in the public interest. Nevertheless, the panel may wish to consider whether more definite criteria might not be established by the Commission under the fairness doctrine.

In considering the fairness doctrine, the primary concern should be the impact of abandonment of the doctrine upon the process of informing the public concerning the vital issues of the day and so enabling them to participate in decisionmaking in the free society. Obviously, the practice of the fairness doctrine may reduce the revenue of networks and stations. However, financial considerations should not override the public interest in being informed on controversial issues of public importance. The inquiry into the fairness doctrine should concern ways in which broadcasting may serve better the informing of the public on controversial issues of public importance.

In closing, permit me to quote a few words from the Report of the President's Commission on National Goals regarding the communications function of broadcasting:

Sooner or later we (must) face up to the harsh fact that the democratic dialogue is in real danger of being smothered . . . Plainly the mass media offer us a splendid opportunity, which we will lose at the peril of losing democracy

Mr. Chairman, that concludes my prepared opening statement. I suppose it is more catalyst than moderator in character, but I believe there will be opportunities for those who might differ with anything said to introduce this at an appropriate time during the discussion of the several topics.

Mr. Chairman, the program at this time calls for paper No. 1 by Mr. Elmer Lower. However, due to certain problems of schedule and