

Or if we have asked a legislative leader to explain some proposed structural change in government, it would turn out, not that there was opposition to the issue, but that he had an opponent for his seat who expected equal exposure. This has wasted a little time.

We have wasted more time and bored more people when I have had to moderate a candidate's night, to which we give all the evening, perhaps in cooperation with the League of Women Voters, and we have had to present the Prohibition candidates and the Socialist-Labor candidates and so on for every State office, so that we couldn't go into the congressional contests in any conceivable timespan.

I do feel strongly that, in presidential years at least, the rules should clear the decks for the great debate, not make it so cluttered or hampered as to be unmanageable.

Let me add that I think the Prohibitionists et al. should be given an inning, at least on an educational station, as part of the total American scene.

But not that we should be obliged to include them at a moment when it is totally irrelevant to 99.9 percent of the public, so as to make it impracticable to perform the essential service to present the alternatives the electorate faces election day.

Dean BARROW. Thank you, Mr. Lyons.

Mr. DINGELL (presiding). Dean Barrow, the staff advises me it would be appropriate to request at this point that the legislative history of the fairness doctrine be inserted into the record of the hearings.

Without objection, that will be done.

(The document referred to appears on p. 183.)

Dean BARROW. May I take this opportunity to commend Mr. Daniel J. Manelli, of the subcommittee's staff, for the excellent work he has done in the compilation of the legislative history.

Mr. DINGELL. Thank you. I am sure those words will be most pleasing to him.

Dean BARROW. Mr. Lower in his paper pointed out the different treatment which is given under the fairness doctrine of broadcasting and to the news media.

As I happen to have before me what I consider to be the best judicial statement of the reason for that, and it is very brief, I think I would like to read it into the record.

This is from Office of Communication of United Church of Christ versus FCC, which appears in 359 Federal 2d 994. This was handed down in 1966.

This brief quotation is from page 1,003.

A broadcaster has much in common with a newspaper publisher, but he is not in the same category in terms of public obligations imposed by law. A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise, it is burdened by enforceable public obligations. A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot. After nearly five decades of operation, the broadcasting industry does not seem to have grasped the simple fact that a broadcast license is a public trust subject to termination for breach of duty.

Of course, that last sentence was made in respect of the particular broadcast handling in that case. I thought that might be pertinent to the panel discussion which would follow upon these two papers, and that it was good to place it into the record at this point.