

some such doctrine might not well be applied in those situations where there is no realistic access to print media in the community.

Mr. JAFFE. I just want to correct the statement that I was making an argument about something. I tried to refrain from making any arguments about the constitutionality. I was not distinguishing between the press and broadcasting with respect to constitutionality. I was raising the question whether the broadcasting is so apart from all other organs of communication that some kind of special rules are necessary in communicating in that medium.

I would be prepared to make arguments, but I wasn't making any. I wasn't saying that there is no distinction upon which you could justify a regulation of one and not the regulation of another.

Dean BARROW. We are going to take these questions, but in doing so may I point out that we were to have started with paper No. 4 at 3:10, and we are running a little behind.

Mr. Alexander.

Mr. ALEXANDER. It seems to me there may be an internal inconsistency in what Professor Jaffe says, if he tries to divorce discussion of issues from political discussions, or in effect divorce fairness from equal time. It seems to me if you admit the necessity of regulating political broadcasts, it flows from that that you have to be concerned about fairness in the voicing of the issues, which politics is all about.

Mr. JAFFE. I haven't read my paper yet. I am going to try to demonstrate that I think there is a distinction.

Dean BARROW. I trust we will get more comment on this subject when Professor Jaffe presents his paper.

Mr. WASILEWSKI. I would hesitate to get into a discussion between and among Professor Jaffe and the other professors at the table, but it occurred to me the big distinction between Professors Siepmann and Robinson is that, although they both would accord constitutional principles to broadcasting, Professor Siepmann takes the position that once you apply for a license you make a contract with the Government and, therefore, waive certain constitutional protections you otherwise would have. That seems to me the logical sequence he takes in the religious situation. The Government does not require religion, but if you put on religion, then the Government could require religion. Therefore, you do waive constitutional rights.

To pursue Mrs. Pilpel's logic, I think her logic is unassailable, though I think it should be applied in reverse, namely, that the constitutional principles, she says, that are applied to broadcasting and the Fairness Doctrine as applied to broadcasting could legally be applied to newspapers.

I would say if they can be legally applied to broadcasting, they could probably be legally applied to newspapers. However, I don't think it can legally be applied to newspapers and, therefore, it should not be legally applied to broadcasting.

Mr. SIEPMANN. In support of Mrs. Pilpel's view, we might remember a report from the Luce Commission, respecting the whole issue of the freedom of the press.

One sentence takes us to the heart of this whole matter of responsibility and answerability to the public at large. It said, referring to the press in the broad sense but specifically in terms of the newspapers,