

that without the assumption of moral responsibilities there are no moral rights.

I think that is a pregnant sentence which focuses on the point of difference between some of us in our present discussion.

Mr. WASILEWSKI. I would quote Justice Brandeis to the effect that it is more necessary to be on our guard to protect liberty where the purposes of Government are beneficent.

Dean BARROW. There were two matters in Professor Robinson's paper which have not been commented on, and perhaps others should, if they are worthy of taking issue with. He has considerable to say about the vagueness of the doctrine, and I think we might recognize that actually most of the regulations under the Communications Act have been under the standard public interest, convenience or necessity which I think certainly is no less vague, and perhaps it shouldn't have been as vague as it was.

But somehow we have developed a broadcasting industry and a regulatory policy largely around that standard. The adequacy of it has been tested in a number of decisions, and, of course, has always been upheld or we would not be operating under it today.

Also, he shows considerable concern about the danger to individual broadcasters in attempting to apply the Fairness Doctrine. I know of no instance—perhaps the others would—in which anyone has lost a station or has been under the real threat of losing a station with regard to the application of the Fairness Doctrine.

If I am wrong about that, I would like to be corrected on it. I would even wonder if in the cases now before the court involving the Fairness Doctrine if the broadcasters should lose their case if it would raise any problem of that kind.

Mr. Hyde, would you have any comment to make on that, or is it inappropriate for you to comment on that?

Mr. HYDE. I would not comment on any pending case or any case in court. Up to the moment, no license has been revoked, no renewal has been refused, no fines have been assessed, on the basis of fairness rulings by the Commission.

Dean BARROW. Mr. Chairman, we have a coffee break scheduled at some point this afternoon. I would raise with you whether this would seem to be the appropriate time to do it or whether we should go ahead with the next paper, which is the final paper of the day. What is your pleasure, please?

Mr. VAN DEERLIN (presiding). The consensus of the committee seems to be that coffee is an anytime thing, and we just might be called back to the House floor. We have such a great collection of talents here we would like to stay with it.

Dean BARROW. Our next paper is to be submitted by Mr. Reuven Frank, with the title "Effect of the Fairness Doctrine on Broadcast News Operations."

PAPER NO. 4—REUVEN FRANK: THE EFFECT OF THE FAIRNESS DOCTRINE ON BROADCAST NEWS OPERATIONS

Mr. FRANK. Thank you.

My name is Reuven Frank. I am the executive vice president of the NBC News Division, and am in charge of its day-to-day operations.