

part, since, as he said, the Fairness Doctrine has in no way impeded or interfered with the NBC operation.

He does, however, refer to the Fairness Doctrine as possibly being more accurately described as the government interference doctrine or the news regulatory doctrine, or doctrine X.

I think that these descriptions of the Fairness Doctrine misconceive the nature of the doctrine entirely. It is certainly not news regulatory. It says nothing whatever about what the broadcasters shall treat of in their broadcasts.

As to Government interference, certainly Government interference, if we want to call it that, in the direction of insuring diversity of presentation and balance of points of view, is not interference.

The failure of the Government to do anything to prevent broadcasters from presenting only a single point of view would, I think, be far more of an infringement on freedom of expression than the Government's acting as it does through the Fairness Doctrine as a means of insuring that a diverse number of points of view will be represented.

Mr. Frank goes on to say, in what I think is a rather hopeful manner, that the community of American journalism is charged with keeping its eye on the Government. I had not realized that.

He then deduces that there is a logical flaw in having a part of the Government judging how the professional journalistic community performs its function. However, the FCC does not judge whether the broadcasters are satisfactorily keeping an eye on Government, nor has it asked them to do so.

The FCC's job is to determine whether broadcasters are fairly dealing with public issues, and whether private individuals are given a right to defend themselves.

Surely the people of this country are entitled to that much protection with reference to the functioning of public franchises, which in the final analysis belong to them.

There is an article in the Harvard Review of some years ago, which I am sure many of you will be interested in reviewing again, called Regulation of Program Content by the FCC, which makes clear that we really need checks and balances in the broadcasting arena, that the only safeguard against the big government which the broadcasters so fear is, of course, big business, and vice versa, that the only real protection against the broadcasters must be the Government.

I submit it is better to have two big daddies than one, and that the kind of equilibrium which can be arrived at by the Government watching the broadcasters and the broadcasters watching the Government is probably the best we can hope for in the forum of free expression.

However, Mr. Frank says that we should leave all judgments to the broadcast news organizations and to the reactions of the public which they seek to serve.

I can't help but ask why. Why should federally licensed corporations not be subject to even a minimum regulation such as the Fairness Doctrine?

The argument that Mr. Frank makes proceeds on a basic misconception, it seems to me, namely that the first amendment exists for the freedom of the broadcasters, and that nobody else's free speech or free press is involved.