

It hardly seems necessary to state that recent decisions of the Supreme Court and other courts have established that freedom of expression is also the right of the public and of the audience, and not primarily, certainly not solely, the right of the broadcasters.

I doubt that Mr. Frank would oppose the recent antitrust proceedings in the newspaper field which are designed to prevent further concentration of ownership or control with respect to the relatively few remaining newspapers. Diversity is the watchword there and there is no danger to freedom of the press.

Diversity is also the watchword of the Fairness Doctrine. Mr. Frank states a number of reasons for opposing the Fairness Doctrine. First he says that we need the intricate skills of the professional journalist rather than the Federal regulators.

No one disputes this. The point is that if the broadcasters fail to do their job in the direction of fairness and diversity, surely the audience, the people of the United States, are entitled to some mechanism to insure that their freedom of expression can be respected and that they can get a balanced presentation.

But, says Mr. Frank, there is diversity in the broadcasting field, no less, anyway, than in any other news media, and audiences will be alienated, he says, by obvious bias and distortion.

In many communities, particularly as to television, the audience does not have much choice. There is a scarcity of channels. Moreover, as with problems of democracy, generally, the test should not only be whether a majority is served. The genius of our Constitution is its protection of minority rights and viewpoints, and the Fairness Doctrine may be essential in this regard because the directional attitude and reaction of audiences is likely to reflect majority views, but not necessarily minority views.

Mr. Frank, however, fears "the increasing Government penetration into the operation and content of the news media."

Surely, this is absurd. Just to read Mr. Frank's own formulation of the doctrine makes clear that it involves no Government penetration, but simply, as he puts it, that if a station presents views on one side of a controversial issue, it should make time available for the opposing side, or sides.

That does not sound like Government's penetration or Government imposing its point of view. Even the example Mr. Frank gives in regard to the DuBois Clubs proves the opposite of his point.

He refers to the "accuracy of the statements made about the DuBois Club" as being "confirmed" by the Attorney General, the FBI and two congressional committees.

But surely Mr. Frank knows that such sources do not and cannot "confirm the truth of the statement." In this country everyone, even the DuBois Club, is innocent until found guilty by a court, not by a prosecuting agency like the FBI or a legislative committee, and surely the DuBois Club should be given a right of reply, which is apparently all that they were asking for in the situation he referred to.

Mr. Frank then states that if the Fairness Doctrine goes on, there is a danger that it can restrict broadcast journalism to a mixture of the dull and the frivolous.

I assume he does not think that is a good description of the present content of television. However, I find the statement rather shocking.