

in favor of this sort of statement of policy just so long as there is no agency in existence to make it mean anything.

It would seem to me that if Congress was correct in including that language, as I certainly think it was, then it follows naturally, and inevitably, that there must be a Federal agency entrusted with the task of seeing whether a reasonable opportunity for the discussion of conflicting views is afforded, and whether issues of public importance are being discussed.

It was in that sense that I said that I thought there was responsibility on the broadcasters even under the present act to do something more than broadcast "the dull and the frivolous".

They do have an obligation to discuss issues of public importance. If the objection is that the FCC Fairness Doctrine regulation is too tight or too specific, it would seem to me that this objection is not justified by what has actually happened in the enforcement of the doctrine, and I think there need be no further proof of that than Mr. Frank, himself, who has indicated that the doctrine has in no way interfered with the excellence of his performance, and it has in many respects been very excellent.

So I am confused as to whether they just want the statement of policy without any implementation, or whether they want implementation by someone other than the FCC or what.

Mr. JAFFE. I think I can partly answer that question, Mrs. Pilpel. The Fairness Doctrine simply requires that over the course of a period of time there will be a fair representation of different points of view.

It is a very relaxed, very loose doctrine. It doesn't require anyone to police it. It is simply a sort of model for the way in which the broadcasters operate. I take it what the broadcasters are objecting to is the present regulation which requires that for each attack upon an individual, it is required that there be the opportunity for that individual to defend himself specifically, regardless of whether the station is, generally speaking, presenting fairly the variety of views involved in the situation.

Some of the FCC people I have talked with say that they have always required, in a situation of a person being attacked, a right immediately to reply, even though it has never been formulated in a regulation.

It is quite possible that in the past people haven't been terribly aware of this specific right to reply, and haven't made much of a point of it. It may well be that as this thing becomes publicized, as people realize whenever they are the object of an attack that under the regulation they have a right immediately to be notified and to reply, these demands might increase very considerably. It does seem to me that the broadcasters have left rather vague whether this would be a terrible burden. That is, whether in the course of preparing programs or putting people on, or having panels, or whatnot, whether in the course of such programs there will be a great deal or a great number of specifically personal attacks that will be subject to this doctrine.

It seems to me a question of fact which we probably don't have enough evidence on, just as it also seems to me the FCC has almost no evidence as to whether it is necessary to have this right to reply.