

The statement contains nothing new. It is a reiteration of the distortions of public rights and denials of broadcaster responsibilities with which broadcasters traditionally entertain themselves at their State and regional trade association meetings.

Time will not permit enumeration of the many places in which Mr. Wasilewski fails to differentiate between fact and his own fancy. Many of his conclusions, usually expressed as facts, are drawn from assumptions that are either false or highly suspect.

For example, his flat assertion that the Fairness Doctrine constitutes an abridgment of the right of free speech superimposes his own judgment over the ruling of a distinguished Federal court, and he gives no recognition whatever to the possibility that scores of FCC commissioners, Congressmen, judges, et cetera, might be right and that the NAB might be wrong.

Actually, a powerful, convincing case can be presented to indicate that the Fairness Doctrine substantially extends freedom of speech rather than diminishes it.

Mr. Wasilewski seems to assume that the first amendment and other convenient sections of the Constitution are the special property of commercial broadcasters. He tells us that the net result of the Fairness Doctrine is the reduction of the right of free communication because it discourages the use of broadcasting for expression of opinion.

We do not believe that the Fairness Doctrine has reduced free expression, but that, on the other hand, it has added both quantity and diversity to responsible presentation of controversial issues. Governmental domination simply does not exist in broadcasting. Commercial broadcasters have been given all possible freedoms consistent with the overall public necessity. Regulation has been enforced so loosely that the FCC has had an almost continuous record of resignations by chairmen and commissioners who have been frustrated by the power of the industry lobby to block their most dedicated efforts in the public behalf.

Broadcasters can, and they do, apply pressure on Congress, particularly in the House, where the cooperation of a local broadcaster, or a few local broadcasters, can be the difference between victory and defeat at election time. The industry lobby knows this and it works at it all the time. They worked at it 4 years ago when the Rogers bill, a single-sentence directive to the FCC not to restrict the amount of commercial time with which broadcasters could saturate their air channels, drew only 46 negative votes in the House.

The bill—which, incidentally, was not sponsored by the Honorable Mr. Rogers here this morning—apparently got very short consideration in the Senate, where it could not get to the floor through the committee.

Abolishment of section 315 at the community level would make it possible for local broadcasters, one or two, and a local politician of either party to gain a dominating advantage for a single political position.

If I were a Member of the House or Senate, or of the Federal Communications Commission, I would be sickened and appalled at the arrogant contempt which has been expressed in this hearing by several persons for the holders of public office. These people do not recognize that the Constitution, the first amendment, and the entire structure of