

Mr. Wasilewski, would you care to comment upon the comment upon your paper?

Mr. WASILEWSKI. I would say Mr. Orme and I are in disagreement, but I would quickly hasten to add that I don't know of anybody that holds this Congress and the FCC in higher esteem than I. I think the attributing of such thoughts to me is highly improper.

I am presenting a point of view here that represents not only my point of view, but the point of view of many, many broadcasters and many other thinking people in our society. I didn't come here with any intent to hold in disrepute the FCC or the Congress.

I think that the substance of my statement, and perhaps Mr. Harley's references to the doctrine, is that we are not so concerned about dealing with these villains, or as I would put it, with the devils we know. We are a little concerned about the ones in the future that we don't know. That would be my response to Mr. Orme.

Dean BARROW. We now invite comment on these papers.

Dr. GOLDIN. The last thing in the world I want to do is launch a personal attack on you, Mr. Wasilewski. I do have a slightly different view, though, of how the Commission operates under the Fairness Doctrine than the one you presented.

I don't think anything you said was technically incorrect, but I think perhaps just to round out the picture I would like to give the committee my recollection of how it works.

I think it starts first with the notion that the Commission itself does not go out and monitor stations. It waits for complaints to come in to the Commission. It operates under the theory that it accepts the broadcasters' judgment first as to what is a controversial issue. It is a kind of rebuttable assumption. It assumes that the broadcaster is going to make a reasonable judgment in this area, what is a controversial area, and what fairness consists of. Then it receives the complaint and it considers that. It then sends the comments to the station.

It seems to me, as I have seen the Commission operate in this field, that the broadcasters' view is the one that is given considerable weight; that is, the Commission does not really substitute its judgment in a categorical sense, as perhaps is implied, but in effect, is saying: "We are assuming that the broadcaster is trying to do a fair job, and that he does understand the community activity, and he knows what a controversial issue is."

Then the Commission intervenes when, in its judgment, after reviewing both sides, it decides that perhaps the broadcaster in this particular case has made a mistake.

I would suggest that it might be helpful if the committee asked the FCC for some materials in terms of a period of time as to how many complaints there have been in which the Commission overturned the judgment of the broadcaster. I went through the fairness statement which the Commission has issued, and it goes through 1964. I think I saw cases there starting in 1950. I know that there are cases that are not there, but those that are there were just about 12 or 13 in a very long period of time.

So my impression is that the instances in which the Commission overturns the broadcasters are quite unusual, rather than the usual thing. I would suspect that the record would be strengthened by a factual view of how the system operates.