

I would agree with you that it is a fact that there are only so many V's here, just as it is a fact that it takes 9 months to have a baby. The fact remains that whether the Government does it or whether economic facts of life do it, the same result accrues.

For example, in the newspaper field, economics will dictate that there are only going to be so many newspapers in a given city. The governmental scarcity argument that has been used has operated to provide more broadcasting outlets than the economic facts have allowed in the way of newspaper outlets.

I agree with you. It is a fact of life. I don't know what the answer to it is, how to get more broadcasting stations. There are more than 170, by the way. It is over 500 V's.

Mr. ADAMS. I am talking about the 50 major markets which are now controlling 90 percent of the television market in the United States. You talk about 5,000 radio stations, or a great number, but if you have five stations, you can get down in this Nation to 34 companies controlling 90 percent of the television market.

We both know there is an upgrading process, so the country is continually moving toward that position. What I am saying is the Government is involved in allowing a particular economic group to have a spectrum and keeping everybody else out. What is our obligation, once having done that?

Mr. WASILEWSKI. I would say that everybody in this country has an inherent right to utilize radio and television. I would agree on that proposition. It is just as we have an inherent right to utilize the land we own in our backyard. But we are not allowed to use our land in the backyard unreasonably, to the deprivation of someone else.

The whole point here is that Government recognizes the right of everybody to use it, but then it picks and chooses so that one person is chosen and he is allowed to use it so that he doesn't interfere with others.

Mr. ADAMS. In other words, we have created a trust in an individual by giving him this spectrum.

Mr. WASILEWSKI. I would say he has been licensed to serve the public interest. That is not a true trust situation, in a legal connotation, but I will use those words for this purpose.

Dean BARROW. I wanted to recognize Mr. Hyde for a remark on this point.

Mr. HYDE. Chairman Staggers, may I ask the committee to incorporate the Commission's ruling in the King matter? I think it will supply for the record the basis of the Commission's decision. It will also illustrate, I believe, that what the Commission expects of the licensee is that they make a reasonable, good-faith judgment.

The CHAIRMAN. We will be glad to have it.

(The ruling referred to follows:)

Federal Communications Commission

(Public Notice—B—November 2, 1967)

KING, SEATTLE, PETITION FOR REVIEW OF FAIRNESS DOCTRINE RULING DENIED

The Federal Communications Commission has denied a petition by KING Broadcasting Company, licensee of stations KING-AM-FM-TV, Seattle, Washington, for review of a Commission ruling that KING was not in full compliance with Fairness rules and calling on the licensee to negotiate with Seattle City