

day had made a certain expression about Vietnam. I don't see that public opinion is formed that way.

I don't see that is the way communication takes place or the way free speech functions. What I am doing is suggesting that, isolating each station as if it were a thing unto itself, with a particular audience that only listened to that station, is an unrealistic way of looking at freedom of speech in communications.

On the other hand, I am not particularly opposed to the Fairness Doctrine because it doesn't seem to me to do more than say, "Be good boys," generally speaking. I do agree with Professor Robinson that every so often the Commission forgets what it said about the way the Fairness Doctrine operates and begins to count up minutes on both sides. Of course, that counting up had to do with political editorials, the counting up of time.

The CHAIRMAN. I might say to the subcommittee, if you wish to ask a question, address Dean Barrow.

Mr. KUYKENDALL. Could I ask a question, Dean? I would like to be specific in line with our discussion.

Mr. Jaffe, let's quit talking of generalities and be specific. I am a candidate for the Congress of the United States. I am the incumbent. The only radio station, TV station, and the newspaper in the town announces against me. The law today says he cannot keep me from buying time on his station. If it were not for the law, he could. Is this not true?

Mr. JAFFE. I am much less prepared to question 315 than I am the fairness or the right-of-reply doctrine. I am not strictly against any of these things. I am making an analysis in terms of the significance of the issues and how significant I think the views are on either side.

But to my mind, the strongest case for control is the question of political candidates, particularly insofar as one candidate is allowed to appear and another might not be allowed to appear. I think TV, particularly, has very fundamentally changed the character of the political campaigns; that it has personalized it to an enormous extent.

I distinguish between that and the Fairness Doctrine, where you are dealing with general communication of ideas. In political broadcasts I think there is a very strong and powerful impact, and the individual who has access to TV as compared to those who don't have access, has an important point.

Mr. KUYKENDALL. Don't you think a person who was selling a particular idea that may be just as important to him as going to Congress would be just about as lost?

Mr. JAFFE. No, I don't. I don't think you sell ideas like you sell medicine or sell aspirin.

Mr. KUYKENDALL. I disagree.

Mr. JAFFE. It takes a long time to sell an idea, doesn't it?

Mr. KUYKENDALL. It depends on how clear the idea is.

Mr. ROBINSON. Was the question you put, the question of whether you had the right to go on the station in the first instance? If so, I think Mr. Jaffe answered that question before. As he said, neither the Fairness Doctrine nor section 315 gets you air time in the first instance unless your opponent has had it.

Mr. KUYKENDALL. I am discussing the entire item of fairness on the air. I don't know much about these section numbers you are discuss-