

ing and I am not too interested in learning their numbers. I am talking about the whole idea of fairness on the air.

As a Member of this Congress, I think all of it stems from the fairness to us. I have a great comfort in knowing that no one can go into Memphis, Tenn., and buy up all the TV time. Many people have enough money to do it. I take great comfort in the fact that that cannot be done in our broadcasting system today. To me, that is the first basis of our fairness and I like it.

Dean BARROW. It might be observed that where the broadcast takes the form of a political editorial in behalf of a candidate, the time for the other candidate would then be free.

Dr. Siepmann has had a point to make for some time.

Mr. SIEPMANN. At this late stage in our discussion, I am groping in my own mind for clarity as to what precisely the issue before us is. I think our discussions have in some degree made that clear to me.

Mr. Robinson yesterday came clear and clean in his statement that he disbelieves entirely in the regulatory powers of the FCC respecting any aspect of programing. He received Mr. Jaffe's solid endorsement on that view.

It would be my conclusion that if that be the case, any discussion of the Fairness Doctrine or any regulatory procedures of the FCC are thereby undermined. It begs the whole question. If the FCC should not have regulatory powers respecting program service of any kind, don't let's bother discussing any aspects of its regulations.

It begs the question of what I—and I think the rest of us—have always assumed to be our system of broadcasting, which is a regulatory system of free enterprise within the framework of Government regulation.

So, my first conclusion is that any arguments deriving from Mr. Robinson's position are out of order in that they are irrelevant because they beg the question. Mr. Robinson does not believe that the FCC or any agency of Government should regulate any aspect of programing.

The rest of us, I think, believe in our system of broadcasting, whether we derive the regulatory powers of the FCC from the scarcity theory, the problem you have raised—and it is an important one—or from the conception that I advanced, that the airwaves are the public domain to which licensees receive conditional and privileged access, whether the basis of our system derives from one, the other, or both of these.

There remains, then, the question that I think is still at issue between us: To what extent should the FCC go in its regulations as applicable to particular program situations, particularly within the realm of fairness?

My view as expressed yesterday was, and I think it was a minority view, that it is dangerous and undesirable, and in many senses impracticable, for the FCC to spell out in specific terms and by precise regulations, of which we have had instances in the issues before us, the particular meaning of fairness.

Fairness is a very broad, abstract conception. My view is that I am not prepared to accept the assumption that an agency of Government is by definition or even potentially a scoundrel. Our position in Government is based upon trust in those whom we elect to office and who are appointed to govern for us. Without that basis of trust, I do not