

Mr. PORTER. The original inquiry is not contained. This is the followup letter.

Mr. KEITH. But the followup letter does not ask for justification?

Mr. PORTER. No; but I think they at least ask for an explanation.

Mr. KEITH. I am trying to find out if there is harassment or assumption of guilt. By saying "justification," you would imply one of those.

Mr. PORTER. I doubt that this letter caused Frank Stanton any sleepless nights.

Mr. GOLDIN. I want to make one comment on the article Mr. Porter referred to. This is an article which appeared in the Journal of Law and Economics for October 1967. The first footnote says:

This essay is largely based on a memorandum written a year ago for the Columbia Broadcasting System, a circumstance which accounts for certain emphasis of style and content.

Usually a professor of law is writing for a law journal and is addressing his peers in the field and doesn't usually write a memorandum for a company in terms of presenting the whole story.

Mr. PORTER. Are you suggesting by this that Professor Kalven is not a man of principle?

Mr. GOLDIN. I am sure he is a man of principle. I am merely calling the attention of the committee to the particular circumstances.

Mr. KEITH. He was revealing the special interest nature.

Mr. PORTER. He had been consulted by CBS and he makes full disclosure of that fact. While we are on that subject, I might add that in the Seventh Circuit, I have in my hand a brief on behalf of CBS attacking the Fairness Doctrine as beyond the Commission's jurisdiction, and of counsel is included Professor Herbert Wexler, the distinguished professor at Columbia, and Mr. Newton M. Minow, now back in private practice.

Dean BARROW. Mr. Corporon, vice president of news, Metromedia TV.

Mr. CORPORON. I think there is a better answer for Congressman Rogers on this business of what guarantee is there that there will be fairness without a strict enforcement of the Fairness Doctrine.

I think it is this: I think the broadcasters do have a constituency, and I think we were getting close to that when the gentleman was discussing it being in the marketplace. I think it has to be expanded further.

I think the audience of the broadcaster constitutes the constituency. You can ask the question, is this an absolute guarantee that there will be fairness and all issues elucidated fairly and fully?

No; there are no guarantees, just as there are no guarantees that Congressmen once sent to Washington are going to do a good job, either. Most of them do, I think.

But if they don't do a good job, their constituency takes care of it. I realize the parallel is not precise, but I think there is a connection here.

Mr. ADAMS. Would you expand that a little more as to how the constituency does in any way at that point control a broadcaster on a controversial issue to see that both sides are shown? A Congressman can be put out. Are you suggesting that we ought to lift the licenses