

The Supreme Court seemed to go beyond holding that the protection of free speech is limited only to restraints on free speech.

For example, in the so-called *Grosjean* case, there was a tax on a newspaper in New Orleans which, of course, did not in any way inhibit statements by the newspaper, which was held to be a violation of the right of free speech on the ground that it was a burden, or it might inhibit, or might tend to inhibit.

So the Supreme Court has gone much beyond protection, under the first amendment, against denying you the right to say certain things. The Court, as I understand it, has said that there may be inhibitions on the right to free speech, if there are adequate reasons for these inhibitions, if there is a sufficient justification for the inhibition.

Then, they will uphold it. So the form that the argument will take in the U.S. Supreme Court will be granted that there may be some inhibitory characteristics in these regulations, is there a sufficient justification for these inhibitions.

Dean BARROW. Mr. Porter would like to make a brief comment.

Mr. PORTER. I would like to respond to Congressman Adams' question.

It may have been brought out here, but in France and Germany there are statutes that require the press to afford the right of reply in the event a person is subject to a personal attack.

Reading from one of our distinguished historians in this field—

The radio is obviously unsuited to the machinery for reply provided by French and German statutes. It might be entirely natural for a commentator to mention two or three prominent persons, Mr. Ickes, Mr. Pauly, and Mr. Truman, in a single broadcast.

Those three men possess the legal right to reply, would take over practically all the time of this commentator for the next broadcast. The whole character of the news comments might be easily changed by such a requirement.

Consequently, French and German courts have held that their statutes are not to apply to radio communications.

Dean BARROW. Dr. Goldin.

Mr. GOLDIN. One last comment in terms of the practicalities of how the system works. The Commission's present posture, as I understand it, on fairness is that the licensee has an obligation affirmatively to encourage the presentation of conflicting views. That doesn't mean that the broadcaster in fact, when he takes a position on a particular point of view, goes out and seeks a spokesman for the other side.

Some do. But if he says on the air that time will be available for the presentation of contrary views, in most cases that is where the matter ends. If someone doesn't come on, the Commission doesn't audit the station to see whether, in fact, somebody did come on or not.

Mr. PORTER. Is that true?

Mr. GOLDIN. Yes.

The CHAIRMAN. The time is now 12:15.

I am sorry that I can't be with you this afternoon as we have a bill on the floor, and I must be at the White House at 1:30.

This has been very interesting. I think it has been very helpful. I am going to recommend to every Member of Congress that they read this transcript. We have some of the most expert discussion on this that I have ever heard.