In the Commission's own words, the Fairness Doctrine "provides that if broadcast licensees permit their facilities to be used for the discussion of a controversial issue of public importance, they must afford a reasonable opportunity for the presentation of conflicting views."

Further, although no statute or Commission rule or regulation requires licensees to broadcast programs concerning controversial public issues, the Commission has plainly indicated in policy statements that carriage of an unspecified number of such programs is necesary to operate in the "public interest."

FCC Counsel Henry Geller has said, "A station's record in this area will be taken into consideration at license renewal time."

Certain critics of broadcast news have been complaining of late that the news documentaries on radio and television have lost their punch, that they amount to little more than a compilation of opposing opinions.

Isn't it just possible that the existence of the Fairness Doctrine is the root cause of this trend? The Fairness Doctrine must of necessity inhibit, rather than encourage stations to engage in meaningful news programing on vital matters of controversy in their communities.

Then, too, how do you even define the concept of controversial issues? Is it always plainly obvious what constitutes a controversial issue? What is a definition? One definition might be "anything that I disagree with."

If we grant the area of controversial issues to be a fertile ground for governmental intrusion, it seems to me then that the difficulty of such a definition is bound to be a source of continuing trouble.

How does the Fairness Doctrine inhibit? I submit, by its very existence. It's there and the FCC has insured that broadcasters are aware. A simple complaint to the FCC can touch off an incredible amount of unnecessary work at the station level.

The FCC inquires of the station: "What have you done? Have you been fair and responsible in this instance?" The station must then document what actually was done on the particular item in question and submit its findings to the FCC.

All of this can tie up the workday or workdays of one or more employees depending on the complexity of the issue. And, of course, station attorneys must be consulted. And, sometimes, consulted again. It takes time. As my boss has said, once attorneys become involved, life loses all simplicity.

Mr. Rogers. May I say the lawyers might like to be heard on that with equal time.

Mr. Porter. I will take either side.

Mr. Crouse. At any rate, the Commission either accepts the station's position or orders compliance with the Fairness Doctrine. I wonder if any figures or percentages are available on the number of times the Commission has found a station in question to have acted fairly and responsibly?

It has been my experience and that of several of my colleagues that in the great majority of cases, the FCC concludes that the stations are operating in the public interest.

However, that's small consolation for the station operator who desires to provide his community with informative programing on con-