

It would have been simpler for the Commission to have stated that licensees have a constitutionally granted right of freedom of speech, which may be limited only in circumstances of clear and present danger.

It would seem that in the area of controversy, the Commission has assumed the right to condition the presentation of controversy upon the obligation to be fair. There can be little comfort in an agency decision which condescends to place "great weight" upon a licensee's freedom of speech, when it implies that the exercise of that right might be the basis of license revocation if the Commission felt strongly that the public interest so required.

What does the Fairness Doctrine mean over the long range? My guess would be blandness and mediocrity in news and public affairs programing. There's a journalistic adage that holds if you show the people the light they shall find their own way.

I submit that if you filter and diffuse that light, the chances of tripping are multiplied. This is not to say that abuses may not occur. Some channels may be misused. But I, for one, would prefer to put my trust in the public's ability to judge for themselves what is ax grinding and what is fair comment.

The Fairness Doctrine, in effect, seeks to limit personal attack on the honesty, character, or integrity of individuals. A principle of a free press is that it should serve as the public's watchdog. And I use the phrase "free press" here in its fullest connotation—to include all the media.

Yet personal attack is most definitely discouraged by the Fairness Doctrine.

Perhaps the most potentially dangerous aspect to the whole Fairness Doctrine question is who sits in judgment. On the basis of present evidence it would be the FCC. Though specifically forbidden to censor programing, the FCC, under the Fairness Doctrine, is in a position to serve as the most potent "Monday morning quarterback" the Nation has ever known.

Armed with a vaguely worded regulation, the Commission would assume the authority to determine what is fair and what is not. An individual broadcaster, under these circumstances, would be foolish, or foolhardy, if he did not observe what met the Commission's favor and what drew its wrath.

A form of what might be labeled precensorship has already evolved.

As cited earlier, television is the medium that is depended on most for news. That trend is not apt to be reversed. If we believe in an informed electorate, we must trust its judgment.

But judgment to be sound must be based on knowledge. The Fairness Doctrine is a crippling restraint. To paraphrase a line from T. S. Eliot:

Let us hope that when the World ends * * * it will not be with a disclaimer.

Dean BARROW. Thank you, Mr. Crouse, for your excellent contribution. I think we also ought to thank you for the rapidity with which you read, yet the clarity with which you are received.

A comment on this paper will be made by Paul Porter.