

another. In short, you are undertaking to measure something that I do not believe is measurable.

I think fairness is perhaps as vague. So I have about turned the compass on this matter. I think that consideration should be given as to whether or not it is time to scrap the Fairness Doctrine and to rely on the Commission's residual powers of overall licensing responsibility, and the traditional review on renewal.

I certainly would not, under any circumstances, abandon the Brinkley Doctrine. I am referring to Dr. Brinkley, the goat gland specialist, not David, who pedals another kind of nostrum, but is more wholesome, I trust. It seems to me that if a facility is being utilized as a personal organ or is being utilized to promote a specific product, or a specific point of view, the Commission can stop this under its general renewal standards. I don't think I would abandon that general power, although I find myself in a trap if free speech is protected absolutely, and I admit that there is that contradiction which I think Mr. Adams pointed out this morning. I would reserve the general renewal standards. That doesn't cause any trouble.

But what does make me uncomfortable is my friend, Chairman Hyde and his staff, with the automatic inexorable process of forwarding even frivolous complaints, such as the Lippmann example I cited this morning, that makes me a little uncomfortable.

I think that, ultimately, you get down to licensee responsibility and the residual power of the Commission to review performance. So I associate myself with my friend's paper here. I agree that there is, with the Fairness Doctrine technique, some form of psychological prior restraint, and that somehow makes me uneasy.

I suspect, gentlemen, what we are really talking about here is the distinction between broadcast communication and the printed media. I suspect, too, that even those who have the custody of the broadcast media are not aware of its power.

I perceive that that is what we are really concerned about, because this does have such an impact. It is so powerful that Congress is reluctant to give complete freedom of licensees to do with this facility as they please, even though you can abstractly make out a strong first amendment case that that should be the policy.

So, it comes down, I suppose, in the final analysis, to whom do you trust? Do we trust the FCC? Do we trust Frank Stanton? I just use Frank Stanton symbolically.

I am reminded of this chap who said he never trusted anybody over 30, to which the cynic replied, "He trusted nobody over 30, anybody under 30, or anybody 30."

Somewhere, there must be reposed the opportunity for people to make decisions and to make judgments. I assume that with the Commission reserving its overall review on license renewal that is about the best we could do.

But day-to-day surveillance is improper and raises the threat of escalation. Mr. Chairman, I would like to make my position clear on one matter. I filed a brief in the Court of Appeals in the District of Columbia this week on behalf of the cigarette manufacturers on the escalation of the Fairness Doctrine to product advertising. This matter being in the court, I feel some trepidation as to the propriety of discussing it. However, I will file with Mr. Lishman and the committee staff copies of