

our brief, and invite my dear friend, Chairman Hyde, to do likewise, with equal time. The court will, of course, grapple with that problem.

To me, a key point is the escalation of the Fairness Doctrine. We have many procedural reservations in our brief, as well as the substantive issues that are involved—for example, Congress preemption in the Cigarette Labeling Act. There was a temptation there for the agency, however well intentioned, to move into the area under the guise of the Fairness Doctrine.

So I think we ought to be very, very careful and scrupulous about entering into the regulatory process in areas which, for the want of a better term, Max Lerner once called the opinion industry.

Outside of that, I want to applaud the paper I have just commented upon.

Dean BARROW. Thank you, Mr. Porter, and thank you both for the substance and the pleasant humor of your remarks.

Chairman Rogers, would you rule on the admission into the record of the brief?

Mr. ROGERS. I understood he is just going to present it to the staff and it will not be made a part of the record.

Mr. PORTER. I would not like it made a part of the record, Mr. Chairman, but just for information.

Mr. HYDE. We would be pleased to submit a copy of our brief for the information of the staff and the committee.

Mr. PORTER. I do not want to put this committee into the position of usurping the power of the judicial branch, because they were very scrupulous last week in respecting the power of Congress.

Mr. ROGERS. It was very welcome.

Dean BARROW. I wonder if the record should show, Mr. Crouse, whether your paper is presented in addition to your personal view as the view of the association of which you are president?

Mr. CROUSE. That is correct, sir.

Dean BARROW. I didn't ask that of Mr. Wasilewski. I don't recall whether his paper made that clear.

Might I ask the same of you, Mr. Wasilewski?

Mr. WASILEWSKI. The paper did not make it clear, and the paper has not been presented to our board of directors, though I am the chief executive officer of the association.

As a result, it will remain the position of our organization until I am let go.

Dean BARROW. I just thought it was well for the record to indicate that because I think it has additional significance.

These papers are now open for discussion.

Mr. VAN DEERLIN. Dean Barrow, I thought it might be interesting to show who was the matchmaker on section No. 7. I wouldn't call it exactly an adversary proceeding. I suppose if anyone on this committee could be said to have a conflict of interest in the area of this discussion, it would be I, inasmuch as I once worked in news broadcasting.

The thrust of the testimony by Mr. Crouse, it seems to me, is that his station really has not been inhibited. I don't see in his testimony, in any of the three principal illustrations that he gave, that those matters went to the FCC. Moreover, I can't believe that, in the open housing controversy, a station like his was really intimidated by the