

multiplicity of viewpoints and emotions in the community—and didn't want to get into it too deeply.

The matter of a fair housing is an open and shut issue, which I think could be explored full and fairly, within bounds of the Fairness Doctrine, without resulting in too great an imposition on the station's scheduling.

The Chairman of the FCC told us this morning that the number of cases, other than frivolous cases, amount to not more than about a dozen a year.

I think perhaps the greatest threat to free expression is not against a large, well-equipped, well-lawyered station, such as Mr. Crouse's, but in that greater number of small stations where management lacks expertise to prepare the material, and to understand the law. Isn't the presence of the Fairness Doctrine, an inhibiting factor on the vast array of small stations, rather than the major stations?

I know in my community there is as much editorializing on the air, as much reporting in depth, and as much really interpretive reporting—special treatment of important subjects—as in any city I know. There is a brisk competition among the stations with this kind of reporting. They haven't had any trouble with the FCC.

Getting back to my own conflict of interest, I have tried to keep an open mind on this because, as a reporter on the air, I always wanted the ultimate in freedom. But I remain unpersuaded, by this presentation, that the Fairness Doctrine does inhibit.

Dean BARROW. Mr. Adams.

Mr. ADAMS. I want to cast a specific question here because I think we are dealing in the spectrum of wanting free speech and yet debating how far does the overlay of Government apply.

I gather you would implement this on a case by case complaint basis rather than on a fixed, rulemaking, administrative procedure basis; is that correct?

Mr. PORTER. I think, Mr. Congressman, this is really a tough question, and that is why we are here. My own view is that the issue is what is a reasonable accommodation between the areas of protected speech and licensee responsibility.

That has always seemed to me to be the issue. There are certain things we can sort out that are not protected—obscenity, however the Supreme Court has recently defined it, profanity, lottery, false and misleading representation, which the Federal Trade Commission, of course, under section 5 is equipped to deal with.

But when it comes to the area of controversy, social, political, ideological discussion, there is where I am unable to measure. Hence, I say it is not susceptible of handling either on a complaint or ad hoc basis, but upon a review of the station's overall performance. I would concede that that is probably a power that, under the vague public interest standard, the Commission may exercise.

Mr. ADAMS. You would use that, I understand, in the Fairness Doctrine in particular.

Now, I want to turn to Mr. Crouse's position. What I understood was that he would expand that concept even to the personal attack area. I think we have different concepts that we may apply to different areas. It is my understanding that in the personal attack section, you say that even the right of reply on a personal attack is inhibitory to