

Mr. WASILEWSKI. That is correct. That is applied to newspapers as a member of the free press. The Supreme Court has also said that radio and television are members of the free press.

Also, there is a point in constitutional law that by accepting a privilege from the Federal Government you do not waive your constitutional rights. We say the obligation imposed under the Fairness Doctrine to notify a person attacked, for example, or to supply that person with information as to the subject matter of attack, is identically comparable to a requirement that the Supreme Court has struck down, to give time to reply under the New York Times case.

Mr. PORTER. Dean Barrow?

Dean BARROW. Congressman Adams.

Mr. ADAMS. In reply, to go back to exactly the fundamental that we have been discussing since we got into the act a little here, which is that the public has a limited television domain which we have given to a private individual—

Mr. CROUSE. And he does not waive his constitutional rights when you give it to him.

Mr. ADAMS. Wait a minute. Waive his constitutional rights? The other doctrine that you get into, when we come to what Mr. Porter says, is if there isn't any waiver of constitutional rights, then the public, every year, looks at a license and judges it in terms of the private individual, which would mean that the people that you represent, each year, would have a judgment on whether or not they had acted in the public interest and whether or not they would renew his license.

Mr. CROUSE. That is exactly correct, sir. That is the law.

Mr. ADAMS. I don't think that is exactly what the people who presently hold these licenses want to have since this is a guillotine-type operation. The Fairness Doctrine operates as really a protection and a buffer in this area to say: "No, we are not going to come up with a guillotine once a year and say we think you have not presented things right, or you have been too partisan, or you didn't answer his complaints, or you didn't do this right, and, therefore you are out, sell your station and get out of the business."

Instead, on a case-by-case basis, you decide. You decide this case, the next one and so on, whether or not in each case the man has been fair.

Mr. CROUSE. We have both things.

Mr. KEITH. Dean Barrow?

Dean BARROW. Congressman Keith.

Mr. KEITH. Following the logic of this discussion, in the meantime, the fellow who has had the injury done to him has to wait until the license is up for renewal, perhaps 3 years, under the suggestion they are making.

It seems to me we are concerned about that fellow as well as you fellows.

Dean BARROW. It might also be observed that to a person living in a community and among people whose respect he would like to retain, it is disconcerting to go into the grocery store or the gasoline station and hear the people ask, "Did you hear what they were saying about you on station thus and so? It was highly critical of you." This does happen, considerably.