

But insofar as the right of reply goes, it may on the other hand point in favor of the right of reply because if you are not going to give any damages to people, public officials, or people in the limelight, and it goes beyond public officials now, it goes to everyone in the limelight, it is not just people who have put themselves in a special position by being public officials, it is everybody now who is not protected by the law of defamation—if he gets in a public fight, if he no longer gets damages there will be a strong claim for his right to a reply, assuming also that this is not inhibitory.

I do want to make the point that I don't think you can accept the *New York Times* case as cutting all in the direction of the Constitutionality of these doctrines.

It may indeed tend to show that they are a necessary adjunct of the *New York Times* case.

The four doctrines that I speak of, first is equal time for political candidates. The second is the opportunity to respond to an attack on one's personal qualities. The third is fairness in the presentation of conflicting positions on issues of public importance and finally, and this is what Mr. Porter has made so much of and it does seem to be a distinct and valuable doctrine, the obligation in serving an area to take account of the needs and interests of all substantial segments of the community.

This is the public responsibility of the broadcaster, As I said, I think the first and fourth of these doctrines have more positive things in their favor than the two middle ones.

By and large these doctrines are based on the notion that television and to a lesser extent, radio, are unique media of communication, unique that is in senses which make these doctrines necessary in the public interest.

It is true that there are statutes of this sort in the newspaper field too. There are two States which have a right-of-reply statute with respect to newspapers. Nevada and one other State, I am not sure which. These statutes are very old. They don't seem to have been taken up.

By and large, for one reason or another there seems to be very little opinion in favor of the right-to-reply statute with respect to newspapers. Now, is TV unique or rather do the admittedly unique characteristics of TV as compared with newspapers, magazines, and books demonstrate the necessity or if not the necessity at least the value of these doctrines?

And, if there is a value in one or another of these, what are the countervailing considerations and do they finally outweigh the value of the doctrine.

Now, let us take first the equal time for political candidates. It seems to me that in this field the unique characteristics of TV are most evident, in part because TV has itself changed to some extent the nature of the political content.

The personal characteristics of the candidate observed close up and in the viewer's home have a much stronger impact than was the case when the candidate was seen on the hustings by fewer persons and then only occasionally and at a distance.

The balance thus between political program and personality has probably been altered.