

This matter concerned the renewal of the license of a broadcaster in Jackson, Miss. Its programming presented heavily and continuously the position, attitudes, and opinion of the predominant white community and little or no representation of the Negro community.

The Commission criticized the licensee but (without an evidentiary hearing of the opposition) gave it a 1-year license. The court held that an evidentiary hearing was required.

It is my opinion that the local service doctrine as applied here is justified in terms of broadcasting functions and characteristics. Broadcasting has a pervasive, ongoing, character which does give its communications an institutional, overall character.

What is in question in "Lamar" is not a pinpointed, an isolated communication as is true of the personal attack or the discussion of a "controversial issue," but the representation in the life of a community of an important segment of that community.

Because broadcasting figures so continuously in the life of the community, the daily broadcasting absence or presence of a class of persons and their point of view—particularly one so marked as the Negroes—is potentially as significant factor in the formation of public opinion along representative lines.

The future: We may be at the beginning of a period of proliferation of broadcasting outlets (CATV, satellite communication) and a consequent fragmentation of audiences.

This fragmentation may mean that audiences will be less coherent, stable, predictable in time and place. Arguably this condition will further weaken the functional support for the doctrines here under consideration.

These doctrines assume a given broadcaster reaching a given audience, an audience relying to a significant degree for its news and information on the particular broadcaster. Even today as I have argued, this assumption is open to debate.

But as channels multiply, as communications reach shifting audiences from far and near, the assumption will become more debatable. That need not, however, mean any immediate change in current doctrine.

I see the situation as fluid and experimental. The present doctrines, though hardly so axiomatic as the FCC and others assume, can be taken as a starting point. They do no great harm and they may do some good. We can keep them under surveillance.

Dean BARROW. Thank you, Professor Jaffe, for your excellent contribution.

The comment on Professor Jaffe's paper will be made by Mr. Howard Bell, who is president of American Advertising Federation.

Mr. Bell.

COMMENT ON PAPER NO. 8, BY HOWARD H. BELL

Mr. BELL. Thank you.

On behalf of the American Advertising Federation, I wish to express my appreciation to the subcommittee for the opportunity to participate in this significant panel discussion.