

Mr. MACDONALD. While Mr. Brown is checking this I would like to ask you a question which I don't think is unfair and you don't have to answer if you don't want to.

I quite agree this thing has been kicking around for an awful long time. You say you look for congressional guidance. Every time the Congress has done anything about this subject, including under our former chairman, Mr. Harris, they have just stood up on the floor, this committee, and have been opposed to subscription TV. So my question is a small one, but would you not think that is a little bit of guidance?

Mr. HYDE. Mr. Chairman, I would suggest that the last expression from the committee was to acquiesce in the carrying on of an experiment. We are now looking at it in the light of the information developed in the experiment.

Mr. MACDONALD. Let me ask you this question: Does the Commission contemplate taking any action before this committee or the Congress has a chance to vote Mr. Dingell's bill up or down?

Mr. HYDE. We have not met to discuss this matter since our hearing last week. But I will give you my personal view that I would not expect precipitate action.

Mr. MACDONALD. In other words, you would wait for the Congress to act on the bill before us or perhaps another resolution, if that is the sense of the committee, such as Mr. Harris put out?

Mr. HYDE. I would assure you of this, that the Commission is certainly not going to take hasty action while the committee has this matter under consideration.

Mr. MACDONALD. That is one of the reasons these hearings were called, despite of what you have read in the trade press and other places, was actually merely to avert a head-on collision between one of the branches of Congress and the Congress. Certainly they were called for October 2 before it was realized that that was a religious period of time and it was not to try to exercise any heat on the Commission. I want all the Commissioners to understand that.

The Congress has felt strongly about this. Several members of this very committee have. Therefore, we felt it was necessary that we hold hearings at a time convenient to you, but close enough so that we would not run into any difficulties between each other.

Mr. BROWN. Will the Chairman yield?

Mr. MACDONALD. Surely.

Mr. BROWN. The language to which I referred is on page 2 of Committee Chairman Harris' House Resolution 130, January 20, 1959. I want to be sure I understand what your view of this is. This language, if I may impose on the Commission's time, reads: "*Resolved*, That the Senate and House of Representatives in Congress assembled except as provide in section 2, until new legislation has been enacted setting forth the terms under which pay television programs may be broadcast or transmitted"—Congress gave a clear indication by radio or wire—" (1) the Federal Communications Commission may not authorize any person to broadcast or to render a communication service by radio or wire which would aid in the broadcast or transmission of any pay television program; and (2)," and it goes on and I presume your feeling is that the key word is "programing," pay television programing, rather than pay to receive an improvement of existing programing?