

sion whether to go ahead in this field or not and you do not have that jurisdiction?

Mr. HYDE. Chairman Harris' statement indicated that he did not wish to be understood as conceding anything in the matter of granting a regular authorization, that the committee's action was only to acquiesce in the experiment and any views they had about regular operation were reserved.

Mr. HARVEY. In your opinion, Mr. Chairman, what sort of additional congressional guidance would be necessary for Congress to assert its jurisdiction in this particular field and to restrain the FCC from proceeding further with the hearings that they have? Would a sense of the committee resolution make clear the congressional intent or would you insist on the matter going to the floor finally?

Mr. HYDE. May I give a lawyer's answer to the question? I think that if Congress wished to preclude the Commission from—or let me put it this way—if the Congress wished to deny the Commission authority to grant an authorization like this, they should do so by amendment of the statute.

Mr. HARVEY. Otherwise the Commission is going to proceed on the assumption that they have this authority?

Mr. HYDE. Otherwise the Commission will, consistent with the views that we have heretofore expressed, feel that it does have authority to grant such authorization, it appearing that if they do so it would serve the public interest, convenience, and necessity.

Mr. HARVEY. Although contrary to previously stated congressional views.

Mr. HYDE. I did not say that.

Mr. MACDONALD. One last question, Mr. Chairman. You have been very patient. You would like to have the Congress amend the Communications Act?

Mr. HYDE. What I had intended to say was that the Commission must administer the act as it now stands absent some action by the Congress to amend that act.

Mr. MACDONALD. Even though you can't prove that you have any jurisdiction to do what you are doing? If you have I would like to hear what the basis of the jurisdiction is. We have been going around the mulberry bush all the time.

Mr. HYDE. Mr. Chairman, we will give a full discussion of this question of jurisdiction in the Commission. I would want to say again that any time that the Commission would act here it would have to be based on a finding that the action it took would serve public interest, convenience, and necessity and that decision, whether to deny or grant, would be subject to judicial review.

Mr. MACDONALD. Thank you very much, Mr. Chairman. You have been very cooperative and very helpful.

Mr. HYDE. Thank you.

Mr. MACDONALD. The next witness is Mr. Julian Goodman, president of the National Broadcasting Co.

Mr. MONDERER. My name is Howard Monderer. I am Washington attorney for NBC. Mr. Goodman, who is president of NBC, is scheduled to be the next witness. Unfortunately, the plane on which he was due to arrive this morning had engine trouble. We do not expect him