

More importantly, the history of broadcasting in this country is entirely against this concept and I would point out that there is no showing whatsoever, even the most specious, that the use of pay or subscription television would be "in the public interest," as required by section 303(g).

So, I believe that jurisdictionally the Federal Communications Commission has no authority whatsoever to proceed in this direction. Certainly when the words "public interest" are considered in their proper context it becomes very plain that there is no authorization to the agency either on jurisdictional grounds or on the solid grounds of public policy to convert what is now a workable and working free television network in this country to pay television.

The Federal Communications Commission's own report indicates on the basis of its experiments that 30 percent of the American people will be unable, because of the economic cost of it, which will run something like \$60 a month, to afford the cost of subscription or pay TV. It is obvious to me that this then does not meet the test of public interest upon which the Commission could base its powers and its judgments in that matter.

Second of all, Mr. Chairman, the proposal simply resurrects a great failure. The Hartford test was a total failure in two regards. One, it never achieved the number of subscribers that it had proposed. They had contemplated 50,000. They got less than 5,000, of whom a significant number were either complimentary or experimental users of the test.

In addition to this, it provided no new programing, no higher quality programing, and in programing it was a complete and total loss.

Now, there are technical problems, Mr. Chairman, which should be viewed very carefully by this committee. One of the things that this committee should query the Commission on very carefully is why are they diverting from free television a very valuable and a very broad portion of the spectrum into toll or pay or subscription TV?

As this committee well knows, the spectrum is badly crowded. There is a tremendous demand for business, for maritime, for educational, and for public safety use of the television spectrum. Overcrowding of these portions of the assigned spectrum has long since reached crisis proportions.

I am chairman of a subcommittee on the Small Business Committee of the House of Representatives on which my good friend, Mr. Broyhill, also has the pleasure of serving, and we have been much troubled in that subcommittee about the inadequacy of space for business, maritime, educational, and for public safety.

The recent riots of last summer tended to point up the fact that there is at this particular moment a gross inadequacy of spectrum in all of these areas but particularly in the area of public safety.

I have submitted a number of samples of communications from persons and particularly police chiefs and administrators in the law enforcement area pointing out the great shortage of spectrum and the problems which they have in terms of providing for the public safety in the event of riots because of spectrum shortage.

Mr. Chairman, this amount of spectrum could much better be used to provide for the public safety, than to provide for a silk-stocking