

Redwoods do not grow up to Heaven. Yet as to toll charges or toll TV, the sky is the limit. The only restraint is in what the traffic will bear.

Diversification in programing, insofar as the Hartford and Etobicoke operations show, must be sought elsewhere. Hope lies in the rapid growth of free educational television service that has taken place such as in National Educational Television providing educational and cultural programing.

I am encouraged by projects such as the projected nonprofit Corporation for Public Broadcasting, which would be financed by Government and private funds. The reform is approached in the bill recently passed by the House, and referred to by Chairman Macdonald at the outset of these hearings.

It has been stated that the corporation will probably concentrate on promoting cultural and public affairs programs, including operas, serious dramas, and documentaries. If we permit pay TV and pay TV fails, we will not only have indulged in wasted motion, but used that wasted motion to inhibit the progress of educational TV.

While feature films were a mainstay of the Hartford programing—as they concededly would be in nationwide pay TV—it is well known to any television viewer that in recent years they have likewise taken an important place in conventional television programing.

Nor is there any reason to assume that free television is not moving in the direction of more recent film showings, since the backlog of older films is being rapidly consumed. If pay television programing is to be justified on this basis, the case is weak indeed.

With respect to sports, the case is weaker still. The plethora of sports events on free television over the past several years is a well-known fact. The fourth report nevertheless stresses the occasional championship boxing match or "blackout" home games in football—restrictions which have been imposed on free television broadcasts.

This surely provides no "beneficial supplement" to the adequate sports programing the American public now receives. For example, NBC on Sundays practically devotes all afternoon to football and baseball.

Nor am I persuaded that the regulations against siphoning proposed in the fourth report, would in any sense be effective. The Subscription Television Committee concedes:

Of the various arguments raised by subscription TV opponents, we find that of so-called selective program siphoning most persuasive. It is at least conceivable that a successful nationwide, subscription TV system, even though possibly not having as much money as free television to spend for program product, could, by directing its purchase at select programs, e.g., the world's series or professional football games, take them from free television and require the huge audience of those programs to pay to see them or not see them at all (fourth report, para. 111.)

I believe it is inevitable, for example, that despite the initial restrictions conceived by the Subscription Television Committee, professional sports would sooner or later find a pathway to toll television, for the additional pot of gold at the end of the rainbow, which this multimillion-dollar institution hardly needs.

I do not regard the regulations set forth in the fourth report as effective to prevent destructive siphoning of programs from free television.