

sports programs is a "beneficial supplement" sufficient to authorize the institution of a pay television system, is to deprive these words of any realistic meaning.

The potentially destructive effect which pay television might have upon the free system is obvious. It has been recognized by many opponents of the system and even by the members of the Commission's Subscription Television Committee. The "benefits" to be derived from pay television are minimal at best, if they exist at all. The Hartford and Etobicoke tests were far too limited in scope to give any significant demonstration of the impact which pay television would have upon the public. There has been no public demand or clamor for the service. Under these circumstances, it cannot be seriously contended that the authorization of permanent over-the-air pay television at this juncture is in the public interest.

IV. THE AUTHORIZATION OF A PERMANENT PAY TELEVISION SYSTEM WOULD IMPROPERLY DISCRIMINATE AGAINST THE POOR

One final point should be emphasized for, in many respects, it is the most startling aspect of the institution of a permanent pay television system. The Hartford test yielded meaningful data in one respect: it made clear that the authorization of a pay television system would systematically deprive 30% of the nation (i.e., the persons in the income level \$0-3999) of the free use of public frequencies, which would instead be turned over to the pay television proponents to be used for the benefit of wealthier citizens. In effect, pay television systematically discriminates against the lower income level families and deprives them of the ability to use what heretofore have been recognized as broadcast frequencies available free to all parts of the population, regardless of income. Pay television would, for the first time in American broadcasting history, divide the viewing public along economic lines according to ability and willingness to pay.

The Commission's Subscription Television Committee attempted to cope with this discriminatory pattern by contending that the lower income group "will be able to continue to see ample amounts of free TV programming, so that they will not be deprived of anything . . ." (Par. 75). Yet this reasoning is not impressive. It first assumes that the Commission will be effective in preventing the siphoning of free TV programming, a conclusion dubious, at best. But more importantly, it appears to set up a double standard of programming, one for the wealthy and a lesser standard for the poor. It urges, in effect, that the lowest income group has "ample" amounts of free TV programming, while, at the same time it is argued that the free service is not "ample" enough for wealthier citizens so that pay television must be authorized to fill the gap. Such a double standard is unprecedented in broadcast history. And it is strange indeed that the Committee is so satisfied with the quantity of free TV programming that it can conclude, even in cities with five or more stations allocated, that the loss of one station's potential programming is a desired or non-harmful result.

It needs no elaboration to demonstrate that television is perhaps the most successful and effective mass media which the world has even known. It has allowed the poorest citizen to obtain, in return for the mere purchase price of a television set, entertainment, information, and news of a quality and quantity unobtainable in the past by the richest prince or king. It is, in truth, the poor man's theatre; the benefits which it has brought redound most strongly to those persons and groups in the lowest income level. It is strange, indeed, that the Committee can so easily ignore this group, and seek to deprive them of some of the benefits of which television is capable.

It is even stranger when it is recalled that, at this point in our history, the country as a whole is making the most determined efforts to bring to the lowest economic levels of our nation the full benefits of the American society as they are enjoyed by the more fortunate majority of our citizens. Federal and state governments have instituted far-reaching programs in urban development, open housing, work training, education, and a myriad of poverty programs so as to enrich the lives of the poor. The country has recognized the disparity in income which exists in our society, and has moved to correct it through massive Federal and state aid. It is anomalous that the Committee would now have the Commission turn precisely in the opposite direction, and deprive the very portion of the nation which needs it most of the fullest opportunity to take advantage of the free service. The Committee, in essence, has created its own anti-poverty program—its program is directed *against* the poor.