

inception was that it was free to *all* members of the public, and that the public's airways were not to be sold to any particular segment of a listening audience only if they would pay a direct fee. When the Commission allocated its scarce television frequencies, it plainly did so with the intention of *maximizing* the amount of free television spectrum space which could be equitably distributed throughout the country. Yet, the Committee would now have the Commission effectively deprive one-third of the nation of the ability to use certain of the allocated facilities. It would have the Commission say, in effect, that it has sufficient spectrum space to accommodate five stations in a city, but, nevertheless, it chooses to deny one-third of the public the right to free access to all five, but limit free access to four, with the fifth to be used only for that portion of the audience wealthy enough and willing to pay for the service. Thus, rather than meeting its statutory obligation of effectuating the "larger" use of broadcast facilities, the Commission would now *narrow* the use of such facilities by restricting a significant portion of them for use by the wealthy American citizens.

55. This creation of a type of second-class citizenry is treated most cavalierly by the Committee. Thus, the Committee rationalizes the discrimination against the lowest income level by asserting that, under the rules adopted, all those in the lowest 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) This reasoning is specious. It first assumes, with little justification, that the rules which the Committee proposes will be effective in preventing the siphoning of free TV programming. But what if the Committee is wrong, and the siphoning and destruction of the free service cannot be protected? How will the Committee then give back to this third of