

of pay TV have contended that you are going to get high-level, minority cultural programming, operas, ballets, this type of material.

The rationale for pay TV was that you will get on pay TV the kind of minority programming you cannot get on free TV. The Hartford experiment did not prove a heck of a lot I think but it did prove this, you are not going to get this kind of programming on pay TV.

You just are not going to get it. They had virtually none of the things that they promised in this area. It was movies and sports. I think it is realistic to conclude that that is what you are going to have if you authorize this as a permanent medium.

I think the Commission was quite realistic in saying that we no longer would authorize it for this kind of programming, we will authorize it for movies and sports.

What about movies? Movies have been presented on free television in overwhelming proportions. The people demand it, the people like it. It has gotten the highest ratings. The average age of movies has been declining. Movies of less than 2 years old have been shown and will continue to be shown.

I think that what the imposition of pay television would have, the effect it would have would be to stop this development of better movies and would retard it.

It would make it impossible, I think, to present the kind of movies that we are now getting over free television. As far as sports are concerned we have such a plethora of sports now on free television that it has even come in for great criticism. There is a plethora of sports. Are we going to deprive the majority of the American people of the ability to utilize a scarce spectrum for the presentation of a few more occasional sports programs?

I don't think that is in the public interest. I don't think that this is what the Communications Act was set up to do. I don't think this is what this committee wants to do, to give entrepreneurs the use of a public facility to serve what would probably be a minority viewing audience in the higher economic class.

I do not think it is justified.

Now I think perhaps the most startling aspect of the Commission's fourth report was the institution for the first time of an economic discrimination in the use of broadcast facilities. Up until now the radio spectrum was available to all without regard to the income level, without regard to the ability to pay.

Yet, pay television would divide the country along economic lines and I think the Hartford test also proved that it would eliminate from that viewing audience the lower 30 percent of our Nation in the less than \$4,000 class.

Now the committee said, we don't have to worry too much about these people because they still will be able to see plenty of free television. I find this argument very tenuous. In fact, the implications of it are kind of startling. What the Commission is saying is that for you people, the lower third of the Nation, you have ample television; but the wealthier, they don't. Because they don't, we are going to give them, in effect, the bonanza of pay television.

This is a kind of Orwellian argument, all animals are equal but some animals are more equal than others. The lower third, you have enough, the upper two-thirds, you don't. How can this Commission come to this kind of judgment? How can they say you who have less