

To observe that we have a "blue ribbon" panel present here today is merely to state the obvious. I want the panel to know that we on this subcommittee are deeply grateful for the contribution you are making—in many cases involving considerable personal inconvenience—toward the better understanding of these issues. Your presence here today is further proof, if any were actually needed, of the timeliness and importance of these discussions.

We want to make a special welcome to Chairman Hyde, of the Federal Communications Commission. Mr. Chairman, we look forward to your participation in these proceedings and are grateful for it.

A few minutes ago, in alluding to the issues to be discussed in these proceedings, I mentioned four: "Equal Time," the "Fairness Doctrine," "Broadcast Editorializing," and "Personal Attacks."

It does seem to me, however, that we may actually be referring to only two issues. "Equal Time" is one of these. This is the requirement—which has been in the law since the Radio Act of 1927—that when a station allows a legally qualified candidate for public office to make use of its facilities, it must afford equal opportunities for all other such candidates competing for the same office.

There is certainly no need to point out the great significance this requirement takes on during an election year. It has been urged that the strict "equal time" requirement fails to take proper account of the realities of our national political system. It is stated, for example, that broadcasters are reluctant to extend free time to candidates of the major parties for fear of being required to extend equal amounts of valuable air time to candidates from obscure or splinter parties in whom the public may have little interest.

Against this, however, we must weigh the fact that the so-called splinter party of today may become the majority—or at least a significant—party of tomorrow. The views of the so-called obscure candidates may ultimately prove to be of great value to the electorate.

For these reasons, we want to proceed very carefully in considering modifications in the present equal time requirement. The subject is vital in a free society, and we are looking forward to the panel's consideration of this topic this morning.

As we all recall, the equal time requirements of section 315 were suspended during the 1960 Presidential campaign. The results of that suspension are still being discussed, and I am sure will be discussed further today.

The other principal issue before us, and in many ways the more difficult of the two, is the "Fairness Doctrine."

The fairness doctrine received its definitive statement in the FCC's 1949 report on "Editorializing by Broadcast Licensees." The doctrine provides that when a licensee presents one side of a controversial issue of public importance, reasonable opportunity must be afforded for the presentation of contrasting views.

This goes to the heart of broadcasting, and the fairness doctrine has received much critical comment from the broadcast industry. It is said that the asserting of a legal, as opposed to a moral, obligation of fairness violates the first amendment of the Constitution, and also section 326 of the Communications Act, which expressly prohibits censorship on the part of the FCC.