

The broadcaster is granted the use of the publicly owned spectrum without cost and is permitted to broadcast for his own profit. In return for this valuable privilege, the licensee assume a duty to serve the public interest. The Federal Radio Commission, and its successor the Federal Communications Commission, have protected the character of broadcasting stations as local institutions having a grassroots interest in providing the programing needs of the community served.

Thus, early in the history of broadcasting, the Chain broadcasting rules were adopted to free the broadcaster from practices which limited the licensee's freedom to choose programing fulfilling local needs.

Recently, the policy of protecting local broadcasting stations was evidenced by the caution exercised in authorizing pay-TV and the limitations upon cable-TV. It is anticipated that direct satellite-to-home broadcasting may not be authorized in order that the ability of the local broadcaster to serve community needs may be protected.

The primary interest to be served under the Communications Act is the interest of the public in the larger and more effective use of broadcast facilities. Early in the history of broadcasting, the Commission, in the *Great Lakes* case, interpreted the public interest in broadcasting to require balanced programing, stating:

The tastes, needs, and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussion of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place.

In its statement of policy on programing of July 29, 1960, the Commission reiterated the categories of programing which usually are necessary to meet the needs of the community but emphasized the broadcaster's duty to make an effort in good faith to ascertain and fulfill the needs of the community served.

The Commission stated:

The confines of the licensee's duty are set by the general standard 'the public interest, convenience, or necessity' . . . The principal ingredient of such obligation consists of a diligent, positive and continuing effort by the licensee to discover and fulfill the tastes, needs and desires of his service area. If he has accomplished this, he has met his responsibility.

It should be noted that the Commission's determination that the public interest requires that the broadcaster serve the needs of the community was not foisted upon unwilling broadcasters. From the beginning of the regulation of broadcasting, this policy had the concurrence of the broadcasting industry. Thus, the chairman of the Legislative Committee of the National Association of Broadcasters, Henry A. Bellows, testified before this committee, as it was constituted in 1934:

It is the manifest duty of the licensing authority . . . to determine whether or not the applicant is rendering or can render an adequate public service. Such service necessarily includes the broadcasting of a considerable proportion of programs devoted to education, religion, labor, agriculture, and similar activities concerned with human betterment.

From the beginning of broadcasting there has been wise concern that centralized control of broadcast matter might endanger the free society. Thus, Herbert Hoover, addressing the Third Annual Radio Conference in 1924, stated: