countability for who they are, and for what they do, is traceable to the voter in the act of making his choice in the voting booth. There is no civil act more central to democracy, more determining of political behavior, and more charged with social responsibility.

In attempting to arrive at a sound public policy on how broadcasting might serve the American people in election campaigns, the approach of the Congress historically has been one calculated not to construct an affirmative policy leading to the wisest use of the broadcast media to equip the voter better to exercise his franchise, but to prevent conceivable abuses that might operate to the advantage of one candidate or party over another.

Although this was not an inappropriate object of legislation—perhaps, in the face of the unknown, it was the only plausible one at the time—it resulted in essentially negative and repressive measures.

Broadcasting first achieved significant dimensions in American political life in 1924 during the interminable but dramatic Democratic Convention in Madison Square Garden that took 103 ballots to determine the nominee but in the process captivated the public attention. In the subsequent campaign, radio was seen as providing candidates, for the first time, with direct and immediate access to the millions and was, therefore, regarded as a means primarily to enlarge audiences for rallies. There consequently sprang into being the hired-hall concept of campaign broadcasting. Section 18 of the Federal Radio Act of 1927, in effect, merely set the ground rules for broadcasters to follow in renting the hall by requiring that equal time be given to all candidates if given to any. It virtually eliminated any more imaginative use of the medium; because, if a broadcaster gave time to the candidates of significant parties, he would have to give it to those of all parties, however numerous and however trivial.

The old section 18 was the prototype of section 315 of the Federal Communications Act of 1934, which, with the amendments of 1959 exempting certain categories of news broadcasts from its reach,[1] remains the single legislative statement on the role of broadcasting in election campaigns. It is essentially negative and repressive. Its equal-time restrictions effectively limit the broadcast media to a time-selling function and to such reporting as is permitted by section 315.

The question recurring over the years—and still persisting—is not whether these restrictions on the use of radio and television to convey information, to stimulate interest and to promote discussion during election campaigns are in the best interests of broadcasters or of the candidates. The question is whether they are in the best interests of the 120 million Americans of voting age and, indeed, of the total population.

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[1] The Communications Act of 1934, as amended:

Sec. 315.

(a) * * * Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.