

If the impact of the equal-time restrictions of section 315 on the material interests of the broadcasters were the sole criterion, the best answer would be to let the law stand as it is. By the standard of where the public interest lies, however, all the available evidence that we have from the 1960 presidential campaign—the only case history of an election campaign without equal-time restrictions—demonstrates that we ought to strike down those restrictions once and for all and depend upon principles of fairness and the accountability of the broadcaster as a licensee to prevent abuses.

I say this on the general grounds that any useful election campaign ought to be a continuing dialog and not merely a collection of competitive set presentations that avoid more issues than they meet, raise more questions than they answer, and sloganize more policies than they explore. When he buys time or space, of course, any candidate is entitled to put his case in the manner most favorable to his prospects. For this purpose, all the traditional forms of campaigning are available, as are many forms of modern advertising. Nobody wants to eliminate all this. But in the best working democracy, legitimate efforts at persuasion should be conducted in a context of in-depth knowledge, not of superficiality and ignorance, and of awakened interest, not merely of suggestibility.

There seem to me to be three useful criteria by which we can measure the effectiveness of election campaigns. First of all, it is essential to the idea of self-government that the voter be genuinely interested in the process of self-governing. Second, quantitatively, it is obviously important that as many people as possible be directly exposed to the candidates. Third, it is highly desirable, if they are to vote responsibly, that they be exposed to both sides of the issues and to candidates taking opposing views. Applying these criteria to the 1960 presidential election campaign, we must conclude that we were far better off without the equal-time restrictions than we would have been with them.

There is no disagreement that an apathetic electorate is a social and political evil in a democracy and that any apathy ought to be remedied. A variety of factors unquestionably influence the degree of interest in a campaign. One is the tendency of a candidate simply to say what everyone knew he was going to say and to say it very much the same way that he has said it before.

For the most part, only the party faithful listen to it, and they seldom need to be converted. The substance of all history, political as well as military, on the other hand, is conflict: actions or ideas in contention. Popular interest centers in the advancement and ultimate resolution of the conflict, as the issues are sharpened and the contenders are drawn out by confrontations, even on subjects they might avoid in unilateral talks. Yet traditional campaign methods, far from depending upon the presentation of conflicting opinions, rely almost entirely on the one-sided presentation of views already known.

It was this element of conflict, I am quite sure, that accounted for the significant increase in interest during the 1960 campaign after the confrontations of the candidates on television and radio as compared to that during the last campaign preceding it. In 1956 and in 1960, going into September of each year, those "very much interested" in the campaign were about the same—46 percent in 1956 and 45 percent in