

The equal-time restrictions of section 315 seem to me to offer no safeguards in any way comparable to the advantages to the electorate that their elimination would bring about. Objections to such a course generally revolve around fears that minority parties would not get a fair shake or that broadcasters uninhibited by the equal-time restrictions, would indulge in irresponsible political favoritism.

Both fears seem to me unjustified. The equal-time provisions, so far as third parties are concerned, have become no-time provisions, because for all practical purposes they restrict the granting of time to those who have the funds to pay for it. The reason for this, of course, is that no broadcaster can afford to offer free time to the presidential candidates of 20 or so parties,³ and no broadcasting schedule could accommodate such demands and still have an audience left for the major candidates.

Far from protecting significant third parties, section 315 penalizes them, by lumping them together indiscriminately with the insignificant. Some parties, such as this year's American Independent Party of George Wallace, can develop into meaningful forces in a campaign. Broadcasters ought to be free to treat them as such. Under section 315, they are not.

As a matter of fact, last week I received a memorandum from my colleague who is in charge of CBS news. In it he said:

We have been working for some time on a documentary on George Wallace. Obviously, he is newsworthy and can significantly affect the outcome of the 1968 election. We had scheduled it for March or April. Now that he has formally announced his candidacy, the lawyers have informally ruled that such a documentary is not exempt from section 315 since it does not treat Wallace incidentally. Hence, we would be required to provide equal opportunities for the minor party candidates who have already announced and who have no opposition.

Accordingly, we have to abandon the documentary. This is a pretty stunning example of how section 315 cuts across our journalistic obligations to the American people. At the very time when Wallace is in the news and becomes particularly significant, we are hamstrung by section 315.

Third parties generally are of three categories: those with an historic background of thoughtful criticism of the major parties but whose significance varies widely over the years; those concerned with a single current issue on which in a given campaign they part

³ Political parties:

1964 presidential campaign:

- Democratic.
- Republican.
- Conservative (C. Benton Colner for President).
- Conservative (J. Bracken Lee for President).
- Constitution (Merritt B. Curtis for President).
- Constitution (Joseph B. Lightburn for President).
- Constitution (Charles L. Sullivan for President).
- Freedom Now.
- Freedom Socialist.
- Independent.
- Independent Afro-American Unity.
- Industrial Government.
- Liberal.
- National Civil Rights.
- National States Rights.
- Prohibition.
- Socialist Labor.
- Socialist Workers.
- Tax Cut.
- Universal.

1960 presidential campaign:

- Democratic.
- Republican.
- American Beat Consensus.
- American Third.
- American Vegetarian.
- Church of God.
- Conservative (C. Benton Colner for President).
- Conservative (J. Bracken Lee for President).
- Constitution (Merritt B. Curtis for President).
- Constitution (Charles L. Sullivan for President).
- Farmer Labor Party of Iowa.
- Greenback.
- Independent Afro-American Unity.
- Independent American.
- Industrial Government.
- Liberal.
- National States Rights.
- Prohibition.
- Socialist Labor.
- Socialist Workers.
- Socialist Workers and Farmers.
- Tax Cut.
- Theocratic.
- Unpledged Democrats for Harry Byrd.