

company with the major parties; and those made up of chronic malcontents, panacea peddlers, or personality cultists. By a common treatment of all third parties, without regard to their political or civic significance, the equal-time restrictions impose as the sole determinant of whether they get air time, the cash resources they have to buy it. Broadcasters, unable to give time to all third parties, significant or trivial, generally give it to none. And the useful purposes that responsible and relevant third parties can serve in a largely bipartisan system—reducing lethargy or timidity in the major parties, sharpening really critical issues, and advancing bold and new approaches, for example—fall by the wayside, so far as air time goes. Because, except in the news categories exempt from section 315, and in the absence of third parties normally having financial resources comparable to the major parties, the broadcasters' hands are tied.

As for the possible biases of broadcasters, I have no doubt that, like all citizens, they have their loyalties and preferences as individuals. But to indulge these personal attitudes in the conduct of the public service function of their stations would be a very risky business. A broadcasting franchise is a very precious thing. Nobody knows this better than a broadcaster. That the general devotion of the American people to the principles of fair play apply to the way broadcasters exercise their franchise has been made amply clear. No broadcaster worth his salt would risk amassing a record of biased treatment of candidates or parties.

The American people have had four decades of experience now with broadcasting. During the intervals between election campaigns, when no equal-time requirements are applicable, there is no evidence that broadcasters have favored one political party over another—even though partisan disputes became major public issues. Complaints have been extremely sparse. It has been no accident that the public trusts the fairness of broadcasters. The record shows that they have earned that trust. In the longrun, the judgment of the people can be far better relied upon to insure fairness than any mathematical formula or any rigid regulation.

The equal-time restrictions of section 315 provide nothing more than a mechanical formula that precludes broadcasters both from exercising their judgment and from carrying out their responsibility. It is easy, and it is safe. Carrying out responsibility is hard, on the other hand, and making judgments is risky.

But in this—as in all areas of the democratic experience—efforts and risks make for progress and improvement, while ease and safety make for reversion and stagnation. It is time for broadcasting to be freed of the section 315 restrictions. There is no evidence that this would result in weakening the electoral process. There is commanding evidence that it would strengthen that process.

This committee could make an historic contribution in that direction if, as a result of these proceedings, there could come a joint resolution, modeled after but enlarging upon the provisions of Senate Joint Resolution 207, which was passed by the 86th Congress and signed by President Eisenhower on August 24, 1960, and which made the Kennedy-Nixon debates possible. Senate Joint Resolution 207, you will recall, suspended the equal-time requirements of section 315, with regard to nominees for the offices of President and Vice President for the period of the 1960 campaigns.