

The test of experience proved that suspension a success. A joint resolution now calling for a 6-year suspension, including nominees for all offices, would provide a test of further experience that would embrace two general elections, an off-year election, and State and local elections at all levels. Results could be observed and reported back to the Congress not in a single isolated instance, but over a comprehensive series of elections. If any abuses arose, ways of dealing with them could be considered in the light of the facts rather than on the basis of fears and speculations. And a substantial advance will have been made in the resolution of a problem that has haunted and preoccupied us all too long and that has its roots in a legal anachronism that has long since defeated its own purpose.

Dean BARROW. Thank you, Dr. Stanton, for your excellent contribution to the panel.

Since the panel was introduced, Mr. Chairman, we have been joined by Prof. Louis Jaffe, Byrne professor of administrative law at Harvard University.

The comment on Dr. Stanton's paper will be read by Mr. Herbert E. Alexander. It has not been duplicated in advance, so you will not find it among the papers before you.

COMMENT ON PAPER NO. 2, BY HERBERT E. ALEXANDER

Mr. ALEXANDER. Mr. Chairman, I appreciate the opportunity to appear on this panel before this distinguished subcommittee.

Dr. Stanton deserves praise for putting problems of political broadcasting in the context and perspective of democratic theory, and for relating broadcasting to the quality of American politics.

But posing such questions can also lead one to conclusions at variance with his, and not necessarily as optimistic.

Political broadcasting presents perhaps a classic case of conflict between the democratic theory of public dialog in free elections, and the economic freedom of the marketplace. The campaign interests of candidates do not always coincide with the interests of the electorate in full discussion; nor do they often square with the interests of the broadcaster in format design or time availability.

It seems to me that elimination of section 315 will not, by itself, do very much to get very many candidates the time they want in the form they want, on the stations they want. Section 315 may be considered negative, as Dr. Stanton says, but it is so purposely, to protect candidates from discrimination.

Section 315 may be repressive, as he says, but it is so purposely, to deter broadcasters from exercising favoritism and, by the way, 315 protects broadcasters as well as candidates.

In my judgment, for other than presidential elections, the fairness doctrine is not an adequate substitute for the protection that section 315 affords to candidates, for fairness is only a debatable standard admitting of after-the-fact administrative procedures. There can be no equity for a candidate once an election is lost.

The question is whether it is in the best interests of the American people to turn over all decisions of free candidate access to a private industry. No matter how well intentioned some broadcasters may be, some candidates are going to get hurt. Scores of complaints and court