

about two-thirds of it in recent years, goes for spot announcements, not program time. Both stations and candidates may prefer spots as a matter of strategy and convenience, the stations because they fear losing audiences to others running popular entertainment, and candidates because they know the attention span of the average listener is short, and because the viewer hasn't time to change the dial.

If section 315 were eliminated, or alternatively, as some have advocated, if stations were required to give a certain amount of free time as a condition of licensing, I would like to pose several questions:

Would either alternative get around the problem that the time given would presumably be program time, so might not the candidate spend as much as before to buy the spots he wants? Thus, one purpose would not necessarily be carried out, to help reduce campaign costs for candidates. One doubts that a prohibition of spot announcements is either good public policy or constitutional.

On the other hand, is there justification to give free spot announcements which the candidate probably wants but which are hardly likely to be edifying or to contribute to the public dialog? Would either alternative get to the problem of who is to decide who is to get the free time? Would the Congress decide that only Federal candidates should get it, or would the stations decide, as they do now, or the political parties, or would the FCC apportion the time?

We are dealing with limited time availability for unlimited numbers of candidates. There are more than 500,000 public offices filled in elections in this country, and campaigns are even more numerous because of the open nomination systems. Obviously, most candidates for most offices never get near a microphone or television camera with either paid or free time, so the problem immediately is reduced.

But if 315 were simply abolished, wouldn't those stations willing to give time all seek the most popular or visible contests? The most appealing candidates usually attract funds as well, but what about other candidates in less visible contests or in one-sided contests where one candidate has excessive funds available for broadcasts?

Too, the air waves cross political boundaries. There are, for example, 40 or more congressional districts in the New York metropolitan area, some in Connecticut and New Jersey, reached by New York stations. If the several stations in New York agreed to divide up the districts and each take a share, would it be collusion on the part of the broadcasters, subject to antitrust action? What stations would get the colorful candidates in the silk stocking or reform challenged districts and what stations would get the one-party dominant districts in which there is hardly a contest or a modicum of interest?

For another example, there are no VHF commercial television stations in New Jersey. A candidate seeking time on New York or Pennsylvania stations finds his message reaching mostly out-of-staters who do not vote in New Jersey. The few statewide candidates from New Jersey who do buy such time know they are throwing away 75 cents of every dollar before the broadcast begins.

Would these stations be willing to give double time to serve these needs in adjoining States, or could they be required to do so?

Given these kinds of considerations, the need, it seems to me, is to weigh the question of whether for the few candidates who might benefit from abolition of equal-opportunity provisions, it is worth abolishing the protection that section 315 now affords for all candidates.