

The point of these two cases is that the use of candidates, or candidates to be, on programs which are nonpolitical is a matter of some concern to producers of programs.

To conclude, I would say that the equal-time provision undoubtedly puts restraints on stations, restraints which probably deter abuses, but which also can hinder nonpolitical programing.

I thank the committee very much for this opportunity to discuss some of the workday realities involved in the Fairness Doctrine and the equal-time provision.

Dean BARROW. Thank you, Mr. Furber.

We now invite discussion on these papers. Inasmuch as both Mr. Harley and Mr. Furber have been in agreement on the effect of section 315 on educational broadcasting, and the fairness doctrine on educational broadcasting, we would invite first any contrary views which the panel may have.

Can it be, Mr. Chairman, that we have found one area of agreement?

Mr. Chairman, would members of the subcommittee care to present questions on these papers at this time?

The CHAIRMAN. Are there any questions from members of the subcommittee?

I just might make a comment that we just passed this law last year, and all these gentlemen had an opportunity to come here and give their views, as well as everyone else, at that time.

Dean BARROW. Mr. Chairman, the restrictive provisions in the law came about because of the feeling that use of Federal funds in support of educational television could have an effect on the programing.

I have the privilege of serving as a member of the board of trustees of WCET, which is the educational broadcasting station in Cincinnati, Ohio, and as such, have had an opportunity to appreciate its financial problems, as all educational broadcasting stations have.

Educational stations have to beg from everyone for financial assistance. Federal funds are only a part of the total. I think it is doubtful that this Federal support will have the impact on programing which was feared at the time the statute was passed.

In any event, I feel that although this act has been on the books for such a short time, it would bear reexamination.

The CHAIRMAN. I am sure that it will be reexamined at the proper time. But this would not have been law if these provisions had not been put into this act. I can assure the gentleman of that. There would have been no public broadcasting in the Nation.

We have to make a start, however. If there are inequities or things that need correcting, we can remedy that. The Congress may not be the same men, but there will be a Congress, we hope, for a good while.

Dean BARROW. Mr. Harley?

Mr. HARLEY. The chairman has made my speech. I do not think that the position I have expressed this morning is inconsistent with that which I maintained during the hearings, because we were trying to get a Public Broadcasting Act passed. One of the major concerns was whether the educational stations, using Federal money, would indulge in editorializing.

The thrust of my remarks was that we did not editorialize; that we weren't interested; and, therefore, they shouldn't be concerned. But we didn't anticipate that they would put in a specific prohibition into the law, which is quite a different thing.