certain news-type programs from the "equal opportunities" provision, it was stated in the statute that such action should not be construed as relieving broadcasters "* * * from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance." * * * The legislative history establishes that this provision "is a restatement of the basic policy of the 'standard of fairness' which is imposed on broadcasters under the Communications Act of 1934" (H. Rept. No. 1069, 86th Cong., first sess., p. 5).[29]

Similarly, in a memorandum submitted during the hearings on political broadcasts and equal time held before the Subcommittee on Communications and Power of the House Commerce Committee, the FCC stated:

> The legislative history of the 1959 amendment [to Sec. 315] establishes that Congress, by such amendment, was in effect codifying the basic principle of the Commission's Report on Editorializing by Broadcast Licensees.[30]

The following FCC statement refers to the Fairness Doctrine as having been an administrative policy prior to the 1959 Amendments to the Communications Act:

> Formerly by reason of administrative policy, and since September 14, 1959, by necessary implication from the amended language of section 315 of the Communications Act, the Commission has had the responsibility for determining whether licensees "afford reasonable opportunity for the discussion of conflicting views on issues of public importance."[31]

With respect to the FCC interpretation, it is observed that the legislative history of the 1959 amendments does not contain any unequivocal expression of congressional intent to codify the Fairness Doctrine.[32] It has also been questioned whether a comprehensive codification of the Fairness Doctrine, which encompasses the whole gamut of "controversial issues of public importance" was intended by Congress inasmuch as the section under consideration, section 315, relates specifically to candidates for office. These considerations will be taken up in more detail below.

Certain alternative hypotheses may be advanced in construing the legislative intent and proper construction to be attached to section 315(a) in connection with the Fairness Doctrine:

1. The Fairness Doctrine is inherent in the Communications Act of 1934 and its predecessor, the Radio Act of 1927. It therefore exists independently of section 315(a) whose language merely restates a preexisting legal requirement.

2. The congressional intent behind the 1959 amendments to section 315(a) was to incorporate the Fairness Doctrine, which until then was merely an FCC policy, formally into the Act.

3. Congress intended the new language added to section 315(a) by the 1959 amendments, to apply to political matters, and especially to the treatment of candidates for public office on news programs, and did not intend an overall ratification of the FCC's Fairness Doctrine in all of its applications.

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[29] *Fairness Doctrine*, 2 R.R. 2d 1901, at 1903 (1964).

[30] *Political Broadcasts—Equal Time, Hearings before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives*, 88th Cong., first sess., on H.J. Res. 247, at page 87 (1963).

[31] *Commission Policy on Programing*. 25 Fed. Reg. 7291, 20 R.R. 1901 (1960), at 1910.

[32] This is in contrast to the amendment of section 317(a)(2) of the Act, which was a part of the 1960 Communications Act Amendments, wherein it was expressly stated that one of the purposes of the amendment was to provide specific statutory authority for a pre-existing FCC policy. See House Rept. No. 1800, 86th Cong., second sess. (1960).