

carrier status and to "question affecting the public."⁴¹ Some of the discussion on this provision follows:

Mr. DILL. I have consulted with members of the committee regarding that provision [i.e., above quoted language], and I think I am entitled to say that at least most of the committee are agreed that lines 10 to 17 should be stricken out and an amendment inserted. * * *

I may say that this is a provision that has caused more objection to the bill than probably all the other provisions combined. It is a provision to which the committee gave more consideration and on which the committee spent more time, than on probably any other provision. We finally agreed to it in order, I think, to get the bill out of the committee. After we got it out we realized that the "common carrier" phrase was an unwise phrase, to say the least, at this time.

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So that we [will] take out the objectionable feature. * * *

Mr. WILLIS. I think that remedies one serious objection I had in mind, as to line 12, particularly, which is proposed to be stricken out, where it says "or for the discussion of any question affecting the public."

Mr. DILL. That is a rather broad statement.

Mr. WILLIS. Yes.⁴²

The amendment proposed as a substitute for the language of the reported bill read as follows:

If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office, he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: *Provided*, That such licensee shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast.

As can be seen, this amendment differed from the original language in three major respects:

(1) It deleted the provision making broadcasters common carriers with respect to political broadcasts and public issues,

(2) It deleted the ban on discrimination with respect to discussing "any question affecting the public," and

(3) It added the stipulation that the licensee should not be liable to civil or criminal action by reason of any uncensored utterances broadcast pursuant to this section.

Senator Howell argued against this amendment. Excerpts from his remarks are set forth below. It is noted that they express essentially the same views as were later contained in the FCC's 1949 *Editorializing Report*:⁴³

Mr. HOWELL. Mr. President, radio affords such a unique facility of publicity that one has to think very carefully lest he go astray, thinking of newspapers and reasoning by analogy. * * * We have tens of thousands of newspapers, magazines, and other publications, but there is now from necessity, and will be hereafter, only a limited number of radio stations. As the Senator from Washington stated yesterday, the total number of stations that are now authorized for broadcasting is about 500 * * * and there are certain great interests in this country that have radio stations which practically cover the United States.

We are all familiar with the results of propaganda, its dangers and its advantages; and the question which we are called upon to settle now is how the public may enjoy the advantages of broadcasting and avoid the dangers that may result therefrom. It must be recognized that, so far as principles and policies are concerned, they are major in political life; candidates are merely subsidiary. We recognized that fact when this bill was formulated and provided that if a

⁴¹ 67 Cong. Rec. 12502, 12505 (1926).

⁴² *Id.*, p. 12358.

⁴³ *Editorializing by Broadcast Licensees*, 25 R.R. 1901 (1949).