

Under the present law section 315 provides that if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, the licensee must afford equal opportunities to all other candidates for that office in the use of such broadcasting station; and it is further provided that the licensee shall have no power of censorship over the material broadcast under the section. The House amendment would have provided that equal opportunity must be afforded to all other candidates or their authorized spokesmen also in those cases in which a spokesman for a candidate for public office has been permitted to use a broadcasting station. * * * The section as modified by the House amendment also provided that the charges made for the use of any broadcasting station for any of the purposes set forth in the section should not exceed the minimum charges made for comparable use of such station for other purposes. The conference substitute omits the provisions contained in the House amendment with respect to equal opportunity on account of broadcasts made by spokesmen for candidates. * * *

The provision with respect to charges made by broadcasters for political broadcasts has been retained but has been modified by striking out the word "minimum." The committee of conference agreed to omit the provision with respect to * * * the extension of the present law to include spokesmen for candidates because these subjects have not been adequately studied by the Committees on Interstate and Foreign Commerce of the Senate and the House of Representatives.⁵⁷

The 1952 amendments did not alter the language of section 315 concerning equal opportunities for candidates for public office. These amendments did involve a regrouping of the section into three subsections. The new subsection 315(b), which has just been described, was followed, in subsection (c) by a provision that the FCC: "shall prescribe appropriate rules and regulations to carry out the provisions of this section."

This is essentially the language which, prior to the 1952 amendments, was found in the first sentence of section 315: "* * * and the Commission shall make rules and regulations to carry this provision into effect." Prior to the 1952 amendments, section 315 embodied only one provision, that of equal opportunities for competing candidates. Since the 1952 amendments imposed another provision—that of uniformity of charges for political *vis-a-vis* other uses—the regrouping and minor language changes noted merely preserved the internal consistency of section 315.

The "equal opportunity" language of section 315 remained unaltered from its initial inclusion as Section 18 of the Radio Act until the Communications Act Amendments of 1959. This was despite the various attempts, described above, to enlarge the underlying equality of treatment requirement to embrace more than candidates for office. As has been seen, unsuccessful proposals had been made to include "political questions or issues"; "any question affecting the public"; and "public questions to be voted upon at an election." The conference report accompanying the 1952 amendments rejected the House version that would have extended the "equal opportunities" requirement to cover statements by spokesmen of candidates.

Prior to proceeding to a discussion of the 1959 amendments, it would be useful to review briefly the actions of the Federal Radio Commission and Federal Communications Commission, and the judicial decisions which took place up to the time of the 1959 amendments.

⁵⁷ *Id.*, pp. 20-21.