

Richard Daley to use its facilities without affording him equal time. Both Mayor Daley and Lar Daly were legally qualified candidates for the Democratic party's nomination for Mayor of Chicago. One of the alleged uses of the station by Mayor Daley was a newsreel showing him greeting the President of Argentina at the Chicago airport. This, the Commission decided was a "use" of the broadcast facilities as contemplated by Section 315, and required the station to afford Lar Daly equal time.

This interpretation of the law surprised many who recalled that two years previously in the 1957 case of *Allen H. Blondy*⁸⁰ the Commission held that news coverage by a television station of a ceremony in which a number of judges were sworn into office, one of them being a candidate, was held not to constitute a "use" of the station such as to require the licensee to extend equal time to other candidates.

The consequences of the *Lar Daly* decision, if not neutralized by legislative action, could have been a serious impairment of the ability of the broadcast industry to present the news. The ability of the networks to cover the national Democratic and Republican conventions seemed in doubt.

Hearings on amendments to 315 began 3 days after the decision was released.⁸¹

B. SENATE ACTION: S. 2424

To resolve the difficulties created by the *Lar Daly* decision, the Senate Commerce Committee reported S. 2424⁸² which would have amended Section 315(a) by inserting the following language at the end thereof:

Appearance by a legally qualified candidate on any newscast, news interview, news documentary, on-the-spot coverage of news events or panel discussion, shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

In its report, the committee stated the purpose of the bill as follows:

This bill is designed to amend the Communications Act of 1934 so as to provide that the appearance by a legally qualified candidate on any news, news interview, news documentary, on-the-spot coverage of news events, or panel discussion shall not be deemed to be use of a broadcast station within the meaning of Section 315(a). In other words, it would exempt any news, news interview, news documentary, on-the-spot coverage of news events, or panel discussion from the equal opportunity provisions of section 315(a).⁸³

Despite this statement of a limited purpose, much of the debate in the Senate, and later in the House as well, may be read to assume *sub silentio* that the Communications Act, as it then read, already imposed a standard of impartiality, or fair treatment, for the discussion of all public issues.

The following excerpts indicate the development of the final Senate version of the 1959 amendments to section 315. This version was later subject to modification in conference (see below).

The manager of the bill, Senator Pastore, stated:

Fear has also been expressed that the adoption of legislation creating special categories of exemptions from section 315 would tend to weaken the present re-

⁸⁰ 14 R.R. 1199 (1957).

⁸¹ *Hearings on Political Broadcasting Before the Communications Subcommittee of the Senate Committee on Interstate and Foreign Commerce*, 86th Cong., first sess. (1959).

⁸² Rept. No. 562 86th Cong., 1st sess. (1959).

⁸³ *Id.*, p. 2.