

of public controversies, and make certain that not only the conservative, or not only the liberal viewpoints or ideas are expressed, but that the public has a chance to hear both sides, in fact all sides, and to be more specific so that this bill cannot be construed in any way to limit the responsibility of broadcasters to present all viewpoints, including the responsibility upon the appearances of qualified candidates on TV or radio.⁸⁸

The Proxmire amendment was agreed to and appeared in the final version of S. 2424 passed by the Senate.

C. HOUSE ACTION: H.R. 7985

The House of Representatives substituted the provisions of H.R. 7985, 86th Congress, for those of S. 2424. As reported by the House Committee on Interstate and Foreign Commerce,⁸⁹ and passed by the House, this bill added the following new sentence at the end of section 315(a):

Appearance by a legally qualified candidate on any bona fide newscast (including news interviews) or on any on-the-spot coverage of news events (including but not limited to political conventions and activities incidental thereto), where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news, shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

The purpose of the change as stated in the House report, was this:

It seems to the committee that the principle of substantial (as distinguished from absolute) equality of opportunity for qualified political candidates, with respect to appearances on radio and television broadcasts, is a sound principle bearing in mind (1) the importance of radio and television in connection with our political processes and (2) the fact that broadcasting facilities, and particularly television broadcasting facilities, are limited in number and subject to Government licensing. Therefore, in the opinion of this committee, an outright repeal of section 315 would not be in the public interest.

However, the committee recognizes that there is another principle which is important to the proper functioning of our political processes, namely, that the public interest is served if the people of our country are well informed with respect to political events and public issues, particularly in order to make an informed choice among competing political candidates.⁹⁰

During the House debate on the bill, Chairman Harris, of the House Commerce Committee presented the following views:⁹¹

I believe most of the Members are generally familiar with the background of this legislation. On June 15, 1959, the Federal Communications Commission adopted an "interpretive opinion" in the so-called *Lar Daly* case * * * to the effect that the appearance by a legally qualified candidate in the course of a newscast must be considered use of a broadcasting station within the meaning of section 315 entitling other legally qualified candidates for the same office to equal time.

[After referring to the *Blondy* decision, described above] The *Blondy* decision confirmed the traditional concept held by broadcasters throughout the country and candidates alike of considering the equal time requirement inapplicable to appearances of candidates on newscasts. The *Lar Daly* decision abandoned this traditional concept and it is the primary purpose—listen to me—it is the primary purpose of this legislation to write back into section 315 this traditional exemption from the equal time requirement and to deal with other things that always have been thought to be exempted from the equal time requirement.

⁸⁸ *Ibid.*

⁸⁹ H. Rept. No. 802, 86th Cong., first sess. (1959).

⁹⁰ *Id.*, p. 4.

⁹¹ 105 Cong. Rec. 16229-30 (1959).