

upon them under this Act." The conference evidently felt that the inclusion of this language was not inconsistent with the House substitute, which contained no such statement. This would indicate that the language was regarded as being in the nature of surplusage, or a mere restatement of existing law. The language of the conference report is somewhat less definitive than this, however:

It is a restatement of the basic policy of the "standard of fairness" which is imposed on broadcasters under the Communications Act of 1934.

The policy of a "standard of fairness", referred to by the conferees as being "imposed * * * under the Communications Act." evidently has reference to the FCC's Fairness Doctrine. But the language of the Conference Report, and the debates which took place in both houses of Congress prior to the conference, do not seem to establish an intention to ratify the Fairness Doctrine in all of its applications.⁹⁵ Moreover, the *Lar Daly* decision, which it was the purpose of this legislation to overrule, did not involve the Fairness Doctrine. Even with respect to political matters, the language actually settled upon by the conferees (i.e., the last sentence now appearing in Section 315(a)) may be read as no more than a statement of the sense of Congress. This was more apparent in the original "Proxmire Amendment" than in the final language adopted. Nevertheless, the conferees regarded this final language as no more than a "modification" of the original Proxmire amendment.

In submitting the conference report to the House, Chairman Harris stated:

Now, just in case anybody in the broadcasting industry or in the Federal Communications Commission, or even a candidate himself, should get the idea that "the reins are off; you can do what you want to," we have accepted in the conference substitute a provision similar to what was referred to as the Proxmire amendment in the other body.

* * * Furthermore, in the statement of managers on page 4 you will find that it is the intention of the conferees that in order to be considered bona fide, a news interview must be a regularly scheduled program. * * * The great problem is that on the local level a broadcaster might set up a panel discussion or news interviews that are not regularly scheduled programs but which constitute an effort of some political candidate. This is not intended to be exempted. * * * Then we went further than that to be sure that there was no advantage taken by the broadcasting industry or anyone else and reaffirmed the "standard of fairness" established under the Communications Act. Anyone trying to take advantage will be held accountable to the Federal Communications Commission for his action.

* * * Mr. AVERY. * * * I wondered, while the gentleman was in the well * * * if he would not address himself to the proposition that the test of the standard of fairness still prevails in the basic act irrespective of any changes that we have made in section 315; and it applies not only to political candidates, but issues and editorializing by licensees as well.

Mr. HARRIS. The gentleman is eminently correct. He will remember as he was one of the conferees, that we discussed this particular item and everyone agreed that the standard of fairness must prevail, and applies to the programs which will be exempted from the equal-time requirement of section 315.⁹⁶

With one exception, to be noted below, there was no discussion of any specific application of the standard of fairness other than in relation to political candidates. Nevertheless, statements made by some

⁹⁵ Cf. note 32, *supra*.
⁹⁶ 105 Cong. Rec. 17778-79.