

Members indicate an assent to the idea of a standard of fairness in other unspecified areas.

Senators Pastore and Scott expressed the following views as to the meaning of the conference bill:⁹⁷

Mr. PASTORE. [W]hile the House conferees found some fault with the so-called Proxmire amendment, we insisted it be retained in the bill, if with some slight modifications, because it was the one condition we could write into the law to make sure the Federal Communications Commission would give the matter the right interpretation.

We insisted that the provision remain in the bill, to be a continuing reminder and admonition to the Federal Communications Commission and to the broadcasters alike, that we were not abandoning the philosophy that gave birth to section 315, in giving the people the right to have a full and complete disclosure of conflicting views on news of interest to the people of the country.

I wish to say to all Members of the Senate that section 315 was written in the law not to promote any one candidate nor for the benefit of one candidate as against another, or for candidates themselves generally, but was written into the law to give the public the advantage of a full, complete and exhaustive discussion, on a fair opportunity basis, to all legally qualified candidates but for the benefit of the public at large.

Up to this point in the discussion of the conference report, the concern seemed substantially limited to insuring that the elimination of the "equal time" requirements of section 315(a) was not used by the broadcast industry as an excuse to engage in favoritism among political candidates. Senator Scott, however, made the following statement:⁹⁸

Mr. SCOTT. * * * I am very much concerned that in this limited area of the airwaves if we in Congress attempt to restrict too closely the freedom of the press, which already is more limited in that area than in any other of the media * * * in my judgment, the time will come when the Supreme Court will strike down whatever we have done in an attempt to bail out the Federal Communications Commission for some future unfortunate decision. Therefore, I think we ought to be exceptionally careful to provide as much freedom of expression on radio and television as we possibly can.

If the decision were left to me alone * * * I should repeal section 315 entirely, but that is a minority point of view, and it arises entirely from my respect for the right of the people to be absolutely free in the expression of their point of view, subject only to the protection of the criminal and the civil statutes against misuse and abuse of privileges.

We have maintained very carefully the spirit of the Proxmire amendment, and I ought to point out what I do not think has yet been explained, that the phrase "To afford reasonable opportunity for the discussion of conflicting views on issues of public importance" does not refer merely to political discussions as such or to opposing views of political parties or of candidates. It is intended to encompass all legitimate areas of public importance which are controversial, and there are many, as we know, which pertain to medicine, to education, and to other areas than political discussion, and it is intended that no one point of view shall gain control over the airwaves to the exclusion of another legitimate point of view.

In other words, this amendment is designed to establish for future reference certain criteria as to equal time and a fair discussion of controversy * * * I believe that we have not in any sense dangerously or critically expanded the law. On the contrary, I think we have expanded the freedom of individuals and the freedom of this particular medium as contemplated in the first amendment to the Constitution.

⁹⁷ *Id.*, p. 17830-31.

⁹⁸ 105 Cong. Rec. 17831-32.