

A House-Senate conference committee began deliberations yesterday to compose their differences over the carrier proposal and other items in the appropriations measure for the next fiscal year, beginning July 1.

The House cut the \$293 million requested for the huge carrier from the administration proposal. The Senate restored the ship in its military money bill of \$40,514,897,000. The bill exceeded the administration's total request by more than \$1 billion.

While Secretary Gates has made it clear that he is opposed to the Senate's increase over the administration's total appropriations request, he emphasized that "we very much want the Congress to approve this carrier."

Mr. Gates gave his views in a radio-television interview with Senator LAWRENCE SALTONSTALL, of Massachusetts, prepared for stations in the Senator's home State.

He reiterated the administration position that the money President Eisenhower had requested was adequate and that the Nation's defense was adequate.

"I believe that our readiness is intact and sensible, and we can quickly deploy forces and augment forces if we need to do so," Secretary Gates said.

**EARLY SENIORITY**

The Defense Secretary said that "people get confused" between the country's existing readiness and the stories about weapons that would not be ready for some time.

Discussing the carrier, which he said would be ready in "3 or 4 years" if approved now, Mr. Gates said:

"We very much want the Congress to approve this carrier. This is a mobile base, and in many parts of the world where it's difficult to overfly countries, and where existing airfields are inadequate, this is the best means for the United States to project its power, particularly in case of limited trouble."

The colloquy with the Republican Senator brought out that the Navy had 14 aircraft carriers, of which 7 were about 30 years old—"already overage or becoming overage."

It was noted that the size of the carrier should be dictated by the size of modern jet airplanes. Mr. Gates said that "much of the money that goes into the increased size of the aircraft carrier is paid for by the increased safety on airplanes, to save nothing of lives or people."

Supporters of the carrier are advancing the argument that the riots in Japan and the possible division of the country's policy on overseas bases reinforce the need for aircraft carriers.

However, the House Members in the congressional conference committee are understood to be adamantly opposed to the carrier. Last year, the House killed a similar request but agreed to funds for a powerplant for a future nuclear-powered carrier.

The administration argued, however, that a nuclear-powered carrier would be too expensive, and renewed its appeal for a conventionally powered one.

**PUBLIC BUILDING PROJECTS AND SMALL WATERSHED PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS**

Mr. CHAVEZ. Mr. President, in order that the Members of the Senate and other interested parties may be advised of public building and small watershed projects approved by the Committee on Public Works, I ask unanimous consent to submit a list of such projects for inclusion in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

*Resolutions approving projects under the Public Buildings Act of 1959 (Public Law 249, 85th Cong.)*

CONSTRUCTION PROJECTS				
Date referred to committee	Location	Project	Estimated Federal cost	Date approved
May 17, 1960 May 24, 1960	Concord, N.H. Washington, D.C.	Post office and courthouse U.S. Court of Claims	\$4,036,000 12,000,000	June 22, 1960 June 23, 1960
ALTERATION PROJECTS				
June 13, 1960 Do. Do.	New York, N.Y. do. Pittsburgh, Pa.	Federal office building General post office and Morgan annex Post office and courthouse	\$1,078,000 240,000 657,000	June 22, 1960 Do. Do.
<i>Small watershed projects (Public Law 566, 85th Cong., as amended)</i>				
Date referred to committee	Location		Estimated Federal cost	Date approved
May 24, 1960 Do. Do. June 7, 1960 Do. Do.	Upper Black Bear Creek, Okla. Reelfoot-Indian Creek, Tenn. and Ky. Olmitsos and Garcias Creek, Tex. Big Prairie and French Creeks, Ark. Mitsunay Creek, Mich. Mill Run, Pa.		\$2,627,739 1,773,365 996,664 2,402,972 702,639 339,318	June 22, 1960 Do. Do. Do. Do. Do.

**INCLUSION IN CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF LIMITATIONS ON THE TYPE AND EXTENT OF SERVICES**

The Senate resumed the consideration of the bill (S. 1543) to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to include in certificates of public convenience and necessity limitations on the type and extent

of services authorized and for other purposes.

Mr. MARTKE. Mr. President, in regard to the matter which is under consideration today, the supplemental airlines justly deserve the major share of the credit for developing low fare air travel. Right now, with authority to fly 10 regular scheduled flights between any 2 cities in the United States, they find themselves in the position of bringing

air travel to many people who could not normally afford to fly. Although the equipment used for these flights are DC-6's, DC-6B's, and Constellations, the same type aircraft still in use by the big airlines, the interiors are not expensively decorated, and the cabins are arranged for volume seating in keeping with CAB and FAA regulations. The advertising budgets and other promotional costs are trimmed to accommodate not much more than flight schedules. There is nothing elaborate or "plush" about supplemental air travel, but the safety record for this type air service has been remarkable since its origin, and the price has been kept within the reach of people who must look for economy.

Just last week the big airlines were granted a 2 1/4 percent plus \$1 per seat, rate increase. I am not questioning the merits of this decision by the CAB, but I certainly cannot see any harm in keeping alive a slight suggestion of competition for the big lines. As I understand it, the supplemental airlines' civilian ticketed business represents less than 1 percent of all the civilian ticketed business in the air transportation industry.

Because of the flexibility of their certificated authority, these supplemental air carriers currently provide prompt air service to the Department of Defense for the movement of troops. The system used represents the only tried and proven readymade airlift, geared to respond to an emergency in a matter of hours. These airlines have not been subsidized by the Government. They had to match sound management, efficiency, and vision against the many obstacles of a pioneer business.

I think the Congress will do well for our national defense, the air transportation industry, and the system of free enterprise and competition, to encourage the supplemental airlines, especially when all that is required of Congress is simply to back up the CAB after its 8 years of hearings.

**SUSPENSION OF EQUAL OPPORTUNITY REQUIREMENTS FOR NOMINEES FOR PRESIDENT AND VICE PRESIDENT**

Mr. BIBLE. Mr. President, I ask unanimous consent to lay aside temporarily the unfinished business and proceed to the consideration of Calendar No. 1602, Senate Joint Resolution 207.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 207) to suspend for the 1960 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for nominees for the office of President and Vice President.

The PRESIDING OFFICER. Is there objection to the present consideration of the Senate joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PASTORE. Mr. President, the Senate Joint Resolution 207 is designed to suspend for the period of the 1960

presidential and vice-presidential campaigns, with respect to nominations for the offices of President and Vice President of the United States, a part of the so-called equal opportunity provision of section 315(a) of the Communications Act of 1934, as amended. That is the part which requires a licensee of a broadcast station who permits any legally qualified candidate for a public office to use a broadcast station to afford equal opportunities and all other candidates for that office in the use of broadcasting stations.

Mr. President, I have prepared an opening statement, which I ask unanimous consent to have inserted in the Record at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

**STATEMENT BY SENATOR PASTORE**

Senate Joint Resolution 207 is designed to suspend for the period of the 1960 presidential and vice presidential campaigns with respect to the nominees for the Offices of President and Vice President of the United States a part of the so-called equal opportunity provision of section 315(a) of the Communications Act of 1934, as amended. That is the part which requires a licensee of a broadcast station who permits any legally qualified candidate for a public office to use a broadcast station to afford equal opportunities to all other candidates for that office in the use of the broadcasting station.

This joint resolution would also provide that the Federal Communications Commission shall make a report to the Congress not later than March 1, 1961, with respect to the provisions of the joint resolution and any recommendations the Commission may have for amendments to the Communications Act of 1934 as the result of experience under the provisions of the legislation.

Ever since the 1952 presidential campaign the question of the costs and the need for making television time available for presidential and vice presidential candidates has been widely discussed. Various suggestions and bills over the years have been introduced to accomplish this purpose, but for one reason or another little has been done. It will be recalled that in the last session of this Congress, after the so-called *Lar Daly* case was ruled on by the Federal Communications Commission, this committee recommended and the Congress passed an amendment to section 315 of the Communications Act exempting from its reaches appearances of legally qualified candidates on bona fide news interviews, newscasts, news documentaries, and on-the-spot coverage of news events.

The purpose of the amendment was to permit the broadcast stations and the networks to be free in their coverage of the news, to show or permit to be heard the various candidates as in their honest news judgment might be necessary to give full, meaningful coverage to the significant events of the day. Not enough time has elapsed to permit full evaluation of this amendment.

As the 1960 presidential and vice presidential campaign approached, great concern had been expressed about the serious limitations that were involved in the full application of section 315 to such candidates. For years broadcasters have been criticized for failure to make adequate time available for the major political candidates particularly the vice presidential and presidential candidates. The broadcasters' response has been consistent and direct and to the effect that under section 315 if a station provides time for any presidential candidate it is compelled to make available equivalent time to every other candidate for the same office.

In 1952 for instance it was shown that there were 18 parties with presidential candidates who qualified in 1 or more States. As a result of this number of parties the Communications Act, specifically section 315, precluded giving free time to the Republican or Democratic presidential candidates either for discussions, debates, or any other reason, without providing the same amount of time for each of the presidential candidates of each of the other 16 parties. Accordingly, it was contended this requirement stifled the broadcasters' efforts to present or encourage the presentation of the major political candidates on radio and television during the campaign.

In order to meet this situation 29 Senators on May 10 cosponsored S. 3171 which would require stations and networks to give a specific amount of free time to the presidential candidates of the major parties.

Full and complete hearings were scheduled and held on May 16, 17, and 19, and during that period witnesses representing every phase of the problem were heard. The views of interested Government agencies were received and made part of the record. Numerous statements and communications were received from the general public and outstanding leaders in the business, broadcasting, and educational field reflecting their views on the proposed legislation.

Many questions were raised about the legality and constitutionality of S. 3171. Strong objections were also voiced to the compulsory feature of the bill. The statements and testimony offered to the committee revealed very little disagreement about the need, the importance, and the urgency of making time available over broadcast facilities for the major presidential and vice presidential candidates. The basic disagreement arose as to the method of accomplishing this objective. Should it be required by legislation as outlined in S. 3171, or should the broadcaster be permitted to do it on a voluntary basis?

The broadcast officials and many others who filed statements indicated that the bill was unnecessary since adequate free time would be offered voluntarily to the significant candidates during the so-called prime viewing hours if section 315 were amended to permit such action. It was suggested that the mere suspension of section 315 for the 1960 presidential campaign as this section applies to the presidential and vice presidential candidates would be adequate to permit the broadcaster the discretion to adopt the voluntary action the broadcasters recommended during the hearings. Of course, no one has any desire to force legislation in a field where it is not needed. It is only when the overwhelming public interest is involved, as in this case, that the idea of legislation is even entertained. In a free enterprise system, competition and minimum Government regulation should be the controlling forces.

The committee was impressed by the sincere desire of the broadcasters to meet their obligation of public service in the national political arena provided this obligation was voluntary and adopted Senate Joint Resolution 207 which would suspend section 315(a), the equal time provision, for the period of the 1960 presidential and vice presidential campaign with respect to the nominees for the Offices of President and Vice President of the United States. This suspension is temporary in nature and is to terminate the day of the 1960 presidential and vice presidential election and applies only to the legally qualified candidates after they have been duly nominated by their respective parties.

In suspending section 315(a) full discretion is being given to the broadcaster. He is being afforded full opportunity to demonstrate by fact and act what he has contended he was unable to do because of the restrictions contained in section 315. He is being

offered this chance to show how he will meet his public service obligation during the 1960 presidential and vice presidential campaign and the committee will have an opportunity to evaluate his performance in the next Congress.

Fear has been expressed that the adoption of this legislation would tend to weaken the present requirements of fair treatment of public issues. I want to make it crystal clear that the committee in recommending this legislation does not diminish or affect in any way the FCC policy or existing law which holds that a licensee's statutory obligation to serve the public interest is to include the broad encompassing duty of providing a fair, cross section of opinion in the station's coverage of public affairs and matters of public interest.

Sufficient flexibility is being afforded the broadcaster to put to test his ingenuity. He cannot in the event of difficulties encountered later state that he has been restricted or limited by legislation. He has asked for this opportunity to develop a voluntary plan and it is being granted.

In adopting this course of action as recommended by this legislation the committee was aware of the opportunity it affords a broadcaster to favor a candidate. This is a risk that the committee feels is outweighed by the substantial benefits the public will receive through the full use of this dynamic medium in presidential campaigns on a voluntary basis. I have faith in the maturity of our networks and broadcasters and their recognition to discharge their obligation in the public interest.

I feel that the proposals contained in this legislation are in the public interest and worth a risk being taken because the suspension is of a temporary nature and voluntary action is always preferable to Government action and therefore urge the passage of Senate Joint Resolution 207.

Mr. PASTORE. Mr. President, I shall make a very brief explanation of what the joint resolution provides, and I shall be happy and willing to answer any questions that may be asked of me by my colleagues concerning the joint resolution.

As a preface to my remarks, I will state that some time ago a bill was introduced which provided for the granting of free time during the campaign period to the presidential and vice presidential nominees at certain specified times each week up to the time of the election. We held hearings on that bill before our committee, and it became quite evident that the time was rather premature for that type of mandatory legislation. Pursuant to a suggestion, I introduced the joint resolution, which provides that broadcasters shall be relieved of their obligations under the so-called equal-time provision of section 315 of the Communications Act.

The representatives of the three major networks appeared before our committee and testified that they would be willing to assume this responsibility on a voluntary basis. They had already conferred with their affiliates and had organized in their own minds a plan which they thought would be satisfactory. It was one which they could and would carry out, provided they were relieved of the responsibility and the obligations under the equal-time provisions of the law.

If the joint resolution is passed, all we shall have provided is that from now on until the next election in November

broadcasters may grant free time to the nominees of the major parties for the offices of President and Vice President without being obliged to grant the same opportunity to all other candidates of all other parties for those two particular offices.

The joint resolution is a rather indirect way of accomplishing this purpose, but it is the only way it can be done. In short, if the joint resolution is adopted, we shall free the broadcasters from the equal-time provisions of section 315 so that they can inaugurate their voluntary plan to grant free time to the nominees of the major parties for the offices of President and Vice President.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. YARBOROUGH. I wish to thank the distinguished Senator from Rhode Island for his concise explanation. I ask the Senator from Rhode Island if, under the terms of Senate Joint Resolution 207, a broadcasting station could not grant an hour a day, if it wished, to one nominee for the presidency and grant no time whatsoever during the entire campaign to any other nominee of any other party?

Mr. PASTORE. The Senator is correct. Under the joint resolution the provisions could be stretched and strained with that result. But the members of the committee have every conviction and every belief that, in view of the presentations made by representatives who laid before the committee their plan, such would not be the case. Such a result would be possible, but the only way by which networks might inaugurate their voluntary plan is to free them by way of exception from the provision of section 315. What the Senator has said is absolutely correct. However, I think they would be in bad faith if they did so.

Mr. YARBOROUGH. Under the provisions of the Senate joint resolution any station could grant to a candidate for the Presidency or a candidate for the Vice Presidency any time it chose without any obligation to grant any time to an opponent of either of those candidates.

Mr. PASTORE. That is correct under the joint resolution, but the stations and networks would come under the rules of fair and impartial treatment by all with respect to their public service responsibility. I think they would be in a difficult position when their licenses came up for renewal if, to use a harsh word, they betrayed the committee and the Congress by doing what the Senator has suggested.

Mr. YARBOROUGH. But there is no obligation for them to grant an opponent time.

Mr. PASTORE. There is no legal obligation, and I have already stated that.

Mr. YARBOROUGH. They are free from all restraint.

Mr. PASTORE. That is correct.

Mr. YARBOROUGH. The proposed Senate joint resolution would make it legal for any broadcaster to grant free time to a candidate and no time to any of his opponents. What law would be violated if an amendment were agreed to which would provide that it is per-

fectly legal to grant any amount of time to a candidate and none to his opponent?

Mr. PASTORE. The networks would not violate any law; they would merely violate the confidence which the committee has reposed in them.

Mr. YARBOROUGH. Representatives of the networks appeared before the committee, but is it the position of the Senator from Rhode Island that representatives of each individual broadcasting station have appeared and made such a statement as he indicates? Is it not true that only the networks have appeared?

Mr. PASTORE. That is true.

Mr. YARBOROUGH. I do not recall that any appearances were made on behalf of individual stations.

Mr. PASTORE. Nevertheless, broadcasters are the affiliates of the networks. Programs originate over a network. Therefore the broadcasters work in close harmony and in close association with networks which originate the program. Naturally, the broadcasters have contracts with the networks, and any deviation from the terms of those contracts would be a breach of that relationship.

I shall admit again the possibility of the suggestion made by the Senator from Texas, but I say that, judging from the presentation that was made to our committee, it would be a pretty far-fetched action if they carried out the plan suggested by my distinguished colleague, the Senator from Texas.

Mr. YARBOROUGH. Mr. President, will the Senator yield for an additional question?

Mr. PASTORE. I yield.

Mr. YARBOROUGH. Did the FCC give any written report on the Senate joint resolution?

Mr. PASTORE. No. The representative of the FCC testified on the bill (S. 317) itself.

Mr. YARBOROUGH. Did they testify on the pending joint resolution? Did the FCC give the committee the benefit of its views?

Mr. PASTORE. Not precisely; no.

Mr. YARBOROUGH. So the measure is before the Senate without the benefit of the opinion of the regulatory agency with respect to it?

Mr. PASTORE. That is correct. It has been reported unanimously by the committee, with the exception of the distinguished Senator from Texas, who is the only one on the committee who filed dissenting views. However, I believe it has been pretty well explained.

Mr. YARBOROUGH. Did the broadcasters give any formula or format or plan as to how they would carry out the provisions of the joint resolution?

Mr. PASTORE. No; one had suggested a sort of "Meet the Press" program during the hearings.

Mr. YARBOROUGH. They suggested that Congress abdicate its authority and leave it up to private broadcasters to decide how these presidential elections will be run this year. Is that correct?

Mr. PASTORE. No, no; nothing could be further from the truth.

Mr. YARBOROUGH. I asked the distinguished Senator from Rhode Island to tell us what plan the broadcasters

gave the committee as to how they would carry out this great program if Congress abdicated its rights and said to the broadcasters, "It is up to you."

Mr. PASTORE. There is no abdication involved at all. As a matter of fact, it is a question of take it or leave it. The broadcasters cannot work out a program until they talk with the nominees. I do not say that I even know whether Senator KNOWLES, if he is the nominee for President, or Vice President NIXON, if he is the nominee for President, will accept this free time. If they do not want to accept it, they cannot be made to accept it. All of these matters have to be worked out with the nominees and with the national committees. We could not compel the nominees to accept something they did not want to accept. This is a matter that can be worked out. It will have to be worked out. Nothing may come of it. On the other hand, a great deal of good could come from it.

We have been saying for a long time, in order to educate the people of this country on the issues of the day, so that they may see their candidates, and so that they may hear their candidates, and so they may see how a candidate will answer questions on the issues of the day, we should provide that these licensees should give some time for the benefit of the people of this country, that these candidates should be given some free time, so that the people can hear the issues of the campaign discussed. The networks thereupon said to us, "Do not compel us to do it, because we believe such a proposal is unconstitutional. However, in the public interest, we are willing to give free time. We are willing to give time to both candidates if they will accept the free time, provided you release us from the obligation of the equal opportunity section of the law." That is all that is involved here.

Mr. YARBOROUGH. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. YARBOROUGH. Under the Magnuson-Monroney bill, is it not true that the networks would be required to give this time, and if they did not have a joint debate or discussion between two or more candidates, the bill required the networks to give time to each candidate, and did provide for a discussion of the issues and for debate, and that Senate Joint Resolution 207 is a substitute for that bill?

Mr. PASTORE. The Magnuson-Monroney bill required the giving of free time to the candidates, so that the candidate might appear on their own format for a certain period of time, for a certain number of weeks before the campaign. The networks came to us and said, "We want to cooperate with you, we do not want to be mandated."

Mr. YARBOROUGH. The candidates were to appear together.

Mr. PASTORE. Not necessarily. They may appear separately. The networks did not want to be compelled to give this free time. They said, "We will give it voluntarily, if you will release us from the equal-time provision of the law."

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment to S. J. Res. 207, and ask that it be reported.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. ENGLE. I should like to say that our committee did the best it could do with a difficult situation. The legislation that was proposed would be compulsory in character, requiring the networks to give equal time for certain periods of time to the candidates of the major parties. The networks vigorously resisted that legislation on several grounds. As the distinguished chairman of the subcommittee has stated, the networks came in and said, "We will do it voluntarily, if you will give us a chance to show what we can do on a voluntary basis."

We got into the situation where it was perfectly plain that we were not going to be able to get mandatory legislation passed, however meritorious it might be. So it is a matter of either taking the voluntary program, or leaving the law stand where it is. If we leave the law as it is, the networks are under compulsion of giving equal time. That means that they would not give any time to any candidate, because in giving time to the Republican candidate, for example, and to the Democratic candidate, the two major candidates, it would necessarily require them, under the law, to give time to all the splinter party candidates—the Prohibition Party, the Socialist Party, the Constitution Party, and all other parties that happen to be involved. Sometimes there are a great number of those parties in a presidential election year. There may be 15 or 20 such parties. The very nature of these network systems would not permit them to be exposed to that kind of situation. Therefore they would be in the position of not making any time available on their networks to any candidates, to neither of the major candidates. They said, "We will do this voluntarily, and we will be willing to give time to each of the major candidates, provided that we are relieved of the obligation or requirement with respect to the splinter candidates." That is what the joint resolution would provide.

Admittedly, it is a test proposition. They say, "If you have any criticism about it you can change the rules." Of course from the standpoint of the coming election, that would do no good. In my opinion, on the other hand, they will not do anything to warrant criticism, and that they will be fair, and that they will try to establish a history of handling this situation on a fair basis, in order not to be exposed to legislation at a future date which would be adverse to them. Certainly at this late period in the session, and considering the difficulty of proposed legislation in this field, this is the only thing we can do which will make any kind of constructive contribution to the situation. That is the reason why I am supporting the bill.

Mr. PASTORE. I thank the Senator. Let me say this also. The joint resolution has the endorsement and approbation of the Republican and Democratic

National Committee chairman. I walked up to the desk a moment ago and read very hurriedly the amendment which was being prepared by my distinguished friend from Texas (Mr. YARBOROUGH). I hope he will not press it. It requires the candidates to appear in debate. It requires them. I am sure we would be forcing something on the candidates that they might not want to accept. It might not be satisfactory to them. Under the joint resolution they could debate if they wanted to. There is nothing to prohibit that. I would hope that we will not enact compulsory or restrictive legislation which would create a situation that would be in itself ineffective. It is only a trial program. As my distinguished friend from California has already mentioned, if it does not work out, it need not be continued. The joint resolution itself will expire after the coming election, and we will go back to the status quo.

In view of the presentations and representations made to the committee, I believe that at this moment, since we are in the twilight of our session, if we expect to do anything in connection with the object of granting the people of the country a better opportunity to hear and see the nominees for the office of President and Vice President, this is our last opportunity to do something affirmative about that.

Mr. SCHOEPEL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SCHOEPEL. I should like to say to the distinguished Senator from Rhode Island, who handled the bill in committee, and who has made some remarks on the measure on the floor, that I wish to associate myself with the position he has stated, and also with the position taken by the distinguished Senator from California (Mr. ENGLE). As has been said, if we had attempted to provide compulsory legislation we would not have been able to have it approved in the form in which we are approaching the situation today.

I think it is a most practical approach, in the closing days of the session, when the broadcasters are willing, on the basis of an offer, to make this service available. It will give us an opportunity, as has been pointed out, to see how the system works, and to have a report made on it.

I associate myself with the distinguished Senators who have spoken in favor of the measure. I think it is a sensible approach to the subject. I hope the Senate will pass the resolution.

Mr. PASTORE. I thank the Senator from Kansas. I yield to the Senator from Pennsylvania.

Mr. SCOTT. In my opinion, the distinguished Senator from Rhode Island has made a very persuasive presentation, as to why the resolution should be passed without amendment. I ask the Senator from Rhode Island if he does not agree that while we must preserve the freedom of debate, we ought also to preserve the freedom not to debate. It seems to me that the amendment offered by the Senator from Texas (Mr. YARBOROUGH) appears to say, in effect, "You will debate, or else." I think that is an

impingement on the freedom of the candidates of the political parties.

Mr. PASTORE. I do not believe the one candidate to the other that they de-language construed in exactly that fashion.

Mr. SCOTT. I agree that he does not mean that.

Mr. PASTORE. In the presidential campaign of 1952, an offer was made by one candidate to the other that they debate. The offer was refused on the other side.

I am afraid that such a proposal as that of the Senator from Texas will lead to complications and implications. One candidate may be a man who is profound in his knowledge of government, but does not seem to have the personality appeal, by comparison with the other candidate, and might refuse to appear jointly and debate with him.

Under the provisions of the joint resolution, they could still appear jointly, if they wished. The important point is that whatever time stations grant to one major candidate an equal amount of time will be granted to the other, according to the plan laid before us. There will be a free discussion of the issues according to a pattern or a format upon which both major candidates must agree.

Mr. SCOTT. I was about to say to the Senator that the American people are entitled to hear both candidates, and, under the public service reservation in the resolution, are entitled to hear, in the interest of fairness, the candidates of minor parties, in the fair exercise, by the broadcasting services, of discretion and judgment.

However, I do not believe the American people ought to be put in the position of being required by Congress to judge the next President of the United States on the basis of whether he is a good debater or not. There are many other qualifications which should be considered.

Nothing ought to appear in the resolution which will in any way attempt to hamstring the freedom of the candidates for President and Vice President to make use of the communications media of the country as may seem best to them.

Mr. PASTORE. There may be a thousand different reasons to impel a candidate to accept or not to accept an invitation to debate. I think that question should be left to the candidates of the parties to resolve.

The language of the resolution as it is drawn meets with the approval of the Republican national chairman and of the Democratic national chairman. If we seek to change it at this time, I fear that any deviation might lead to ineffectiveness. The worst thing that can happen is that nothing will happen. The plans will be unacceptable to both nominees, and we will be where we would be if exactly nothing had been done.

The chances are that time will be given on an equal basis to both major nominees, and certainly the American people will be the beneficiaries of that gratuity.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MONROEY. I compliment the distinguished Senator from Rhode Island for bringing the joint resolution to the floor, and for his usual patience and consideration in bringing the matter of Presidential-candidate-broadcasting time on a public service basis before the Senate.

Ever since 1952, when I first served on the Committee on Interstate and Foreign Commerce, this subject has been before us in election years. Each time several of us wanted to move in one direction, the networks wanted to move in another, and the campaign managers of the candidates for President wanted to go in another. The net result was that we had no legislation and television did not make the contribution which it could have made toward bringing the genuine issues, the real positions of the presidential candidates, to the people concerned.

As one of those who drafted the original bill, of which the joint resolution is an outgrowth, I believe we now have provided the very best possible arrangements for trying to reach the result desired. I agree wholeheartedly. Although the resolution is not as simple and direct an approach as the bill I had the privilege to sponsor originally, it is the best measure we can possibly secure in the short time remaining. If we tried to change it very much, we would find that one or the other of the major parties would react unfavorably. We must remember that this proposal has not passed the House, and will not pass the House until after the Senate has acted.

If we are not in wholehearted agreement on this approach to allotting free time, then we will never achieve the result that we all wish in this campaign. Let us afford the great media of communication a trial before the people of the country in this coming campaign.

I am grateful, indeed, for the patience which the distinguished Senator from Rhode Island has exhibited and for the way in which he has struggled to have the resolution reported. I hope it will pass the Senate by a unanimous vote.

Mr. PASTORE. I thank the Senator from Oklahoma for his forceful contribution.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. JAVITS. I support the Senator from Rhode Island and join with the Senator from Oklahoma in expressing my support of the resolution.

I call attention to one point, namely, the public stake in the matter. There is no more searching medium than television for finding out the point of view of a man and for plumbing his character. This the public has learned. I think that by making it simple for the networks to provide this kind of exposure, the public interest will be best served.

Moreover, it will take some of the terrible strain of financing campaigns off the backs of the candidates. One of our worries is that so much money is required for the purpose of campaigning. We do not know what, by implication, a

candidate may be undertaking when he must raise large sums of money.

I give the Senator from Rhode Island this factual backing for the joint resolution. I had a debate at the Academy of Television Arts and Sciences with Mr. Paul Butler and Senator Tomorrow Morrow, the respective chairmen of the national committees; former Gov. Averell Harriman, of New York, a representative of CBS; and the moderator on this very subject. The conclusion, after an exhaustive, 2-hour session, which was viewed by the leaders in the television industry, who asked many questions, was that there is no single technique which is greater and more effective to acquaint the public with what they were buying in a presidential candidate than to have an exposure on television.

Mr. PASTORE. I thank the Senator from New York for his factual example. I now yield to the Senator from Texas.

Mr. YARBOROUGH. The distinguished Senator from Pennsylvania (Mr. SCOTT) in his colloquy with the distinguished Senator from Rhode Island—and I regret that the Senator from Pennsylvania has left the Chamber—suggested that under my amendment it was "either debate, or else." Of course, there is nothing in the amendment which would prevent either party from buying all the time it wanted, or any type of program it wanted. It was the view in the hearings before the committee that even if free time were a requirement under the original Magnuson-Monroey bill, or under Senate Joint Resolution 207, neither party intended to reduce its expenditures for presidential campaigning by way of radio and television.

Mr. PASTORE. Why does the Senator want to force the nominees to debate, if they do not wish to debate?

Mr. YARBOROUGH. I really do not desire to force them to debate.

Mr. PASTORE. That is what would be required under the Senator's amendment.

Mr. YARBOROUGH. I will change the language of the amendment. My purpose is to make certain that equal and fair time is granted to the major candidates.

As the Senator has said, if S.J. Res. 207 becomes law, any station could grant, free, all the time it wanted to grant to any candidate for the Presidency, without any requirement that it grant a single minute to the candidate of any other party.

Of course, the Lar Daly case makes it mandatory, in the granting of time, where it is required under existing law, that the media grant equal time to all candidates.

Mr. PASTORE. In view of the report, the hearings on the resolution, and the historical background leading up to it, would not the Senator admit that even if anyone did what the Senator suggested he could do legally, he would be in bad faith with respect to that action?

Mr. YARBOROUGH. My question is, What law would be violated?

Mr. PASTORE. I understand that. I concede that legally he could do it. However, after all, we have developed a

record. If there were any deviation, it could happen in only one campaign. We have limited the resolution to the coming campaign. It is true that there could happen what the Senator has suggested; but if a broadcaster dared do that, he would be in breach of this whole record and would be in bad faith before the subcommittee. Such a breach would be subject to the reprisals of more stringent laws before the next election.

I do not have the fear that possesses the Senator from Texas. I do not fear that what he has suggested would necessarily happen just because it could legally be done. I believe it would be in violation of our understanding. It would be in violation of the entire background and history we have developed here. It would be a violation of this report, and would be a violation of the understanding with the affiliates, because the network program could never be received unless the network sent it through its affiliates.

The PRESIDING OFFICER (Mr. RANDOLPH in the chair). Let the Chair suggest that the amendment of the Senator from Texas has not officially been placed before the Senate or read by the clerk. The Chair suggests that the Senator from Texas permit his amendment to be stated at this time.

Mr. PASTORE. Mr. President, I have been hoping that the distinguished Senator from Texas would withdraw the amendment before it was reported.

Mr. YARBOROUGH. Mr. President, if the reporting of the amendment is withheld, I may withdraw the amendment, if by means of our colloquy we can clear up the point I have in mind.

Mr. PASTORE. I ask for the indulgence of the Chair in that respect.

The PRESIDING OFFICER. Certainly.

Mr. YARBOROUGH. I should like to point out to the distinguished chairman of the Communications Subcommittee that in the committee I offered several amendments, one of which was adopted. It appears in the joint resolution on page 2, in lines 2 to 4, as follows:

Nothing in the foregoing shall be construed as relieving broadcasters from the obligation imposed upon them under this Act to operate in the public interest.

Mr. PASTORE. I think that is a very illuminating and very clarifying statement of the philosophy of the law, and we were very happy to accept the amendment.

Mr. YARBOROUGH. My question is this: Does the distinguished Senator from Connecticut—

Mr. PASTORE. From Rhode Island, if you please. [Laughter.]

Mr. YARBOROUGH. Does the distinguished Senator from Rhode Island—and I apologize to the distinguished Senator, and also to the State of Rhode Island—

Mr. PASTORE. Mr. President, Connecticut is a very delightful State. As far as the Senator from Rhode Island is concerned, he loves it; but he loves it most as he drives through Connecticut, on his way home.

Mr. YARBOROUGH. As the distinguished senior Senator from Rhode Island has said, how nice to be the small-

est State in the Union, but how horrible it would be to be the next to the smallest State in the Union.

So my question to the distinguished Senator from Rhode Island is whether this language, which we adopted in the committee—in other words, my amendment—is broad enough to require the broadcasters to be fair to each of the candidates.

Mr. PASTORE. Yes.

Mr. YARBOROUGH. But without requiring them to provide equal time—but to be fair.

In that connection, I point out that among the minor parties in 1956, for example, was the Socialist Party, which in the general election received only approximately 2,000 votes, whereas at one time the Socialist Party, under the leadership of Eugene Debs, received more than 1 million votes in a national election. I do not think anyone would expect a network or a station to give a candidate of a party which has had a long history, but which received only 2,000 votes in the entire Nation, in a general election, as much time as the amount of time given to the candidate of a party which polled more than 20 million votes, and which has in office a number of Governors, Senators, Members of the House of Representatives, and other public officials.

Mr. PASTORE. But under the equal-opportunity law, that is precisely what they are required to do.

Mr. YARBOROUGH. And I favor relaxation of that law.

My inquiry about the joint resolution is whether it is broad enough to require equal or fair treatment as between the candidates of the two major parties.

Mr. PASTORE. I think the amendment suggested in the committee by the distinguished Senator from Texas will take care of that equitably and adequately.

Mr. YARBOROUGH. And do I correctly understand that the chairman of the subcommittee construes it to mean that they will have to do that in a fair manner, so that the American people will have a real opportunity to hear the candidates of the parties which are responsible in size and have a real opportunity to win the election?

Mr. PASTORE. That is correct.

Mr. GORE. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. GORE. I have listened with interest to the debate. The distinguished junior Senator from Rhode Island has several times referred to the understandings which have been had or reached. I wonder whether there is an understanding between the committee, the networks, and representatives of the affiliated stations, upon which the able Senator thinks he and the Senate can justifiably rely, in order to assure fair assignment of time.

Mr. PASTORE. I think there is definitely a moral understanding. It was made clear before our committee. It is true that, even under this joint resolution, they could legally grant all their time to only one candidate, if we relax the equal opportunity section of the law,

as we are doing by means of this joint resolution. But I do not think they will do that. I have every confidence that they will not do it. By means of this joint resolution we open the door slightly; but if they dare trespass on equity, we will close the door so quickly, next January, that it will be no laughing matter.

Mr. GORE. Mr. President, will the Senator from Rhode Island yield further to me?

Mr. PASTORE. I yield.

Mr. GORE. In asking the question, I do not indulge in any presumption that the networks would be unfair. But I wish to elicit from the Senator an answer to the inquiry as to whether the understanding to which he has referred involves an understanding between the committee and the networks. Will the Senator please state just what the understandings are?

Mr. PASTORE. The understanding is set forth in the record of the hearings. They appeared before our committee, and said, "There is only one way we can do this—by you granting us an exception to the equal-time section of the law—section 315—and granting the exception to apply only to the major candidates for the office of President or Vice President in the next campaign. If you do that, then we, ourselves, on a voluntary basis, will inaugurate a program which will give proper time to these major nominees."

We feel it can be worked out; and I understand they have already discussed it with the chairman of the Republican National Committee and with the chairman of the Democratic National Committee. We do not know what the program will be, because we do not know who the candidates will be.

As a matter of fact, the other distinguished Senator from Texas [Mr. JOHNSON] might be invited to engage in debate on the program, because certainly he is one of the best debaters in the country. On the other hand, he might not wish to participate in the debate. In fact, his prospective opponents might be fearful of opposing him in debate on the program—knowing him to be so skillful a debater. In that event, there would be no program at all.

Mr. CARLSON. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. CARLSON. I wish to comment the distinguished Senator from Rhode Island for working out what could be a very difficult problem in the coming campaign. Even though the pending measure will suspend certain sections of the existing law, in view of the colloquy which has been had this afternoon and in view of the understandings worked out in the committee, I believe the plan will work out very satisfactorily.

Mr. YARBOROUGH. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. YARBOROUGH. Is it the understanding of the distinguished Senator from Rhode Island that the agreement

with the networks binds the affiliates of the networks?

Mr. PASTORE. I would say it is my understanding it does, because they represented to us that they had already discussed it with their affiliates, and that the affiliates are in accord.

Mr. YARBOROUGH. And their affiliates are bound by the agreement, are they?

Mr. PASTORE. Yes, that is my understanding because, actually, the only control we have is over the affiliates, not over the networks.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that my amendment may be withdrawn.

The PRESIDING OFFICER. The amendment will be withdrawn.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 207) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of section 315(a) of the Communications Act of 1934, as amended, which requires any licensee of a broadcast station who permits any person who is a legally qualified candidate for any public office to use a broadcasting station to afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, is suspended for the period of the 1960 presidential and vice presidential campaigns with respect to nominees for the Office of President and Vice President of the United States. Nothing in the foregoing shall be construed as relieving broadcasters from the obligation imposed upon them under this Act to operate in the public interest.*

(2) The Federal Communications Commission shall make a report to the Congress, not later than March 1, 1961, with respect to the effect of the provisions of this joint resolution and any recommendations the Commission may have for amendments to the Communications Act of 1934 as a result of experience under the provisions of this joint resolution.

#### INCLUSION IN CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF LIMITATIONS ON THE TYPE AND EXTENT OF SERVICES

Mr. BIBLE. Mr. President, I ask that the Senate resume the consideration of Calendar No. 1630, Senate bill 1543, the supplemental air carrier certificate bill.

There being no objection, the Senate resumed the consideration of the bill (S. 1543) to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to include in certificates of public convenience and necessity limitations on the type and extent of service authorized, and for other purposes.

#### TEMPORARY AUTHORIZATION OF CERTAIN AIR CARRIERS TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Mr. MONRONEY. Mr. President, I ask unanimous consent that in lieu of