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Political Broadcasts and the Informed Electorate: A Call for Action

From the earliest days of the Republic, an informed electorate has been recognized as an indispensable asset to a successful democracy.¹ With the widespread availability of television and radio (the broadcast media) in the latter half of the twentieth century,² a means of bringing information to the electorate is finally at hand. But, the effectiveness of the broadcast media in creating an open market for discussion during election campaigns is being perverted by rising costs³ and by a devotion to image over content.⁴

The purpose of this paper is to examine the problems of lack of access to the broadcast media in political campaigns, to examine the lack of substance in political uses of the media, and to suggest corrective measures which could be taken by Congress or the Federal Communications Commission (FCC). Admittedly, Congress must find it difficult to implement necessary reforms in an area where its own interests are so intimately involved. And, although the FCC must respect the interests of Congress, the situation has reached alarming proportions and effective steps must be taken without further delay. If such action is not forthcoming, the idea of a man winning an election on the strength of his opinions will become a laughable image from the past.⁵

Access

The rising cost of running a political campaign may soon remove all but the very wealthy from the political market. Between 1952 and 1968, the cost per vote rose more than two hundred percent.⁶ Other expenses have

1. As Thomas Jefferson said: "Experience has shown that, even under the best forms, those entrusted with power have . . . perverted it into tyranny; and it is believed that the most effectual means of preventing this would be to illuminate . . . the minds of the people at large. . . ." See C. BOWERS, *THE YOUNG JEFFERSON* 182-83 (1969).

2. "There are 60 million homes in the U.S., and over 95% of them are equipped with a television set." N. JOHNSON, *HOW TO TALK BACK TO YOUR TELEVISION SET* 11 (1970) [hereinafter cited as N. JOHNSON].

3. Geller, *Political Broadcasts—A Few Short Steps Foreward*, 20 *CATH. U.L. REV.* 449, 450 (1971) [hereinafter cited as Geller].

4. See Porter, *Did You Know Ronald Reagan Shot Lincoln?*, *The Washington Post*, January 23, 1972, § C, at 1, 2, col.1.

5. See G. WYCKOFF, *THE IMAGE CANDIDATES* 53-59 (1968).

6. "From 19 cents in 1952, the cost per vote rose to 29 cents in 1960 and to 35

played their part in pushing costs upward, but the increased use of television appears to be the dominant factor.⁷ Station charges for non-presidential political broadcasts were reported to be twenty million dollars in 1962,⁸ twenty-two million in 1964,⁹ thirty-two million in 1966,¹⁰ twenty-nine million in 1969,¹¹ and fifty million in 1970.¹²

Although the candidate with the most money to spend on political broadcasts does not always win the election, the belief that he does is gaining widespread acceptance.¹³ In fact, the available data on spending for senatorial elections in 1968 lend considerable support to this notion. While only sixteen of thirty-five general elections were won by candidates who did not spend as much money on broadcasting as their opponents,¹⁴ one-half of those sixteen could credit their victories to mitigating factors, such as a well-known name or residence in a one-party state.¹⁵ If those victorious candidates who could rely on these other factors are not included then it appears that nineteen of twenty-seven, or at least two-thirds of the remainder, owed substantial credit for their elections to the purchase and use of political broadcast time.

It is not unreasonable to argue then, that where two candidates begin a campaign in a fairly equal position regarding party support and public recognition the candidate who subsequently spends the most money on broadcasting stands a better chance of winning. This is apparently accepted wisdom among politicians, since they spend sixty percent of all their campaign funds on radio and television time.¹⁶

The importance of substantial and effective use of the media in political campaigns was convincingly demonstrated in the presidential election of

cents in 1964. In 1968 it jumped to 60 cents." TWENTIETH CENTURY FUND COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA, 1969 REPORT 10-12 (1969) cited in Geller 450.

7. Geller 450.

8. F.C.C., *Survey of Political Broadcasting*, table 2 (June 1967).

9. *Id.*

10. *Id.*

11. F.C.C., *Survey of Political Broadcasting*, table 10 (Aug. 1969).

12. *Hearings on S. 1, S. 382, and S. 956 Before the Subcomm. on Communications of the Senate Comm. on Commerce, 92d Cong., 1st Sess., Appendix A at 987 (1971) [hereinafter cited as Hearings].*

13. Consider the implication of the title of a best-selling book about the 1968 campaign: MCGINNISS, *THE SELLING OF THE PRESIDENT 1968* (1968) [hereinafter cited as MCGINNISS].

14. *Hearings* 687-702.

15. *E.g.*, Metzbaum spent more money in Ohio than the victor, Robert Taft. Ottinger spent more than Buckley in New York, but Buckley was helped by the candidacy of Goodell, who split the "liberal" vote. And Chiles' "walking campaign" in Florida converted his opponent's three to one spending advantage into free publicity for Chiles.

16. N. JOHNSON 62.

1968. The Republican candidate, with strong financial support, employed television skillfully and extensively throughout the year,¹⁷ and gained a commanding lead over his opponent by September. Poverty effectively kept the Democratic candidate away from the media until the last weeks of the campaign, when a small scale blitz of television ads brought him within reach of the front-runner. But the Democrats used too little broadcast time too late. In the final accounting, more than two-thirds of the total broadcast charges for the 1968 presidential election were charged to the Republican candidates.¹⁸

If we concede that access to the broadcast media is important, or perhaps essential, to the successful operation of a modern political campaign, then we must conclude that the public interest¹⁹ demands that all legitimate candidates have a reasonable and effective right of access to the media. There are two distinct but related obstacles which make it difficult to attain this goal of reasonable and effective access. First, some candidates cannot afford enough broadcast time to effectively aid their campaigns. Second, others are able to spend so much money on broadcasting that they can successfully drown out the voices of their less fortunate opponents. Both of these factors contribute to a trend in modern life which excludes the non-wealthy from competition in the political market and, consequently, excludes the viewpoints of the non-wealthy from consideration by the American public.²⁰

Both Congress and the Federal Communications Commission have recognized the need for fair opportunity of access to the broadcast media. Unfortunately, neither body has been able to solve the inherent difficulties.

Congress has attacked the access problem on two fronts. The Corrupt Practices Act of 1925,²¹ (though not a response to the expenses of electronic politicking), sought to place a ceiling on amounts expended in political campaigns. Even though the Act accomplished nothing more than forcing candidates to "hide" their funding apparatus behind a number of organizations,²² it at least displayed congressional recognition of the need for limitations on

17. See MCGINNISS, *supra* note 13, for an interesting and readable account of the use of the media in 1968.

18. S. REP. NO. 92-96, 92d Cong., 1st Sess. 86 (1971).

19. 47 U.S.C. §§ 307(d) and 309(a) (1964) require that grants of broadcast licenses be in the public interest.

20. In *Business Executives' Move For Vietnam Peace v. F.C.C.*, 460 F.2d 642 (D.C. Cir. 1971) [hereinafter cited as BEM], Judge Wright concluded ". . . that the public's First Amendment interests constrain broadcasters . . . to provide the full spectrum of viewpoints . . . in an uninhibited wide-open fashion. . . ." *Id.* at 655.

21. 18 U.S.C. §§ 597, 599, 610 (1964), and 2 U.S.C. §§ 241-248, 252-255 (1964).

22. Since any number of organizations could spend the full limit on a candidate, the

spending. Hopefully, the Federal Elections Campaign Act of 1971²³ will close many of the loopholes in the 1925 legislation.²⁴ The new law puts a ceiling on spending for the use of broadcast facilities,²⁵ strengthens regulations for disclosure of funding,²⁶ and limits the amount of money which can be contributed by a candidate's family.²⁷

Besides putting a ceiling on spending, Congress attempted to provide equal opportunities for political broadcasting by enactment of § 315 of the Communications Act of 1934, which states that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal opportunities to all other such candidates for that office. . . ."²⁸

While the ". . . thrust of § 315 is to facilitate political debate over radio and television. . . .",²⁹ it does not act to open the political marketplace to candidates without money. The words "equal opportunities," as used in § 315 mean only that when candidate *A* is allowed to purchase and use time³⁰ from a broadcast licensee, the licensee must allow *A*'s opponent, candidate *B*, to *purchase* an equal amount of time for the same price. "Equal opportunities" has not been interpreted to mean that a candidate without sufficient funds to buy it could obtain free rebuttal time.³¹

The Federal Communications Commission has never acted to put a ceiling on the use of broadcast media in political campaigns, but it has taken

amount of money needed was divided by the legal limit to determine the number of organizations needed.

23. Pub. L. No. 92-225 (Feb. 7, 1972).

24. See S. REP. NO. 92-96, 92d Cong., 1st Sess. at 88 (table A) (1971) for an interesting comparison between actual amounts spent on the media by statewide candidates in 1970 and the legal limit then proposed in S. 382. In twenty-three states the highest spender exceeded the limit, sometimes by a factor of three.

25. Pub. L. No. 92-225, § 104(a)(1)(B) (Feb. 7, 1972).

26. *Id.* §§ 301-309.

27. *Id.* § 203(a)(1).

28. 47 U.S.C. § 315(a) (1964).

29. *Farmers Union v. WDAY*, 360 U.S. 525, 534 (1959) [hereinafter cited as *Farmer's Union*].

30. "Use" is a precise term requiring that the candidate actually be involved in the broadcast. In its letter to Harry M. Plotkin, the Commission held that a candidate is using facilities if shown either on silent film, in a photograph, or sitting in the studio. For a more complete explanation of what constitutes "use," see NATIONAL ASSOCIATION OF BROADCASTER'S POLITICAL BROADCAST CATECHISM 7-10 (1968).

31. But in the letter to Mr. Nicholas Zapple, 23 F.C.C.2d 707, 711 (1970) Commissioner Johnson wrote in his concurring opinion that ". . . as a matter of legal construction, the phrase 'equal opportunities' . . . appears broad enough to accommodate a doctrine which would enable a political candidate to obtain *free* rebuttal time upon some convincing showing that he was unable to raise the necessary money to buy time." Johnson refers to "the analogous doctrine" of *Griffin v. Illinois*, 351 U.S. 12 (1956), which held that the fourteenth amendment requires that indigent defendants be furnished with transcripts of their trials on appeal.

action which parallels § 315 in the form of the fairness doctrine, enunciated as early as 1929³² and fully explained in the *Report on Editorializing By Broadcast Licensees* in 1949.³³ The most important differences, for the purposes of this paper, between § 315 and the fairness doctrine are that § 315 applies only to *candidates* while the fairness doctrine applies to candidates and to *their supporters*, and, while § 315 requires the precise standard of "equal opportunities," the fairness doctrine requires only "reasonable opportunities." Another less important distinction is that § 315(a) allows no censorship of a candidate's usage of the media by the licensee, while the fairness doctrine allows censorship of non-candidates.³⁴ Under the fairness doctrine, when a candidate's representative uses broadcast facilities, the station must (1) provide a reasonable opportunity for rebuttal to the candidate's opponents, and (2) invite a reply.³⁵ However, the licensee need not afford an approximation of time as in § 315, and the licensee is free to choose a fair spokesman for the other side.³⁶

As has already been pointed out, the fairness doctrine is a pronouncement of the Federal Communications Commission, rather than a congressional enactment. But, in *Red Lion Broadcasting Co. v. F.C.C.*,³⁷ the Supreme Court held that the doctrine was *authorized* by Congress and enhanced first amendment freedoms of speech and press.³⁸ Unfortunately, the F.C.C. has never been particularly aggressive in employing its fairness doctrine within the political arena. While controversies in other areas have been found to require a right of free reply³⁹ the F.C.C. has pointedly refused to apply the same requirements in political controversies.⁴⁰

When President Nixon vetoed an act regulating campaign spending after it had passed both houses of the 91st Congress,⁴¹ he stated that "the problem with campaign spending is not radio and television; the problem is

32. *Great Lakes Broadcasting Co. v. F.R.C.*, 3 F.R.C. Ann. Rep. 32 (1929), *reversed on other grounds*, 37 F.2d 993 (D.C. Cir. 1930), *cert. denied*, 281 U.S. 706, (1930).

33. 13 F.C.C. 1246 (1949).

34. *Felix v. Westinghouse Radio Stations*, 186 F.2d 1 (1950), *cert. denied* 341 U.S. 909 (1951) held that a station owner not only had a right to censor the speech of a candidate's representative, but was responsible for his defamatory remarks.

35. *See* 13 F.C.C.2d at 1246.

36. SPONSOR, June 25, 1962 cited in E. CHESTER, *RADIO, TELEVISION, AND AMERICAN POLITICS* 259 (1969) [hereinafter cited as CHESTER].

37. 395 U.S. 367 (1969).

38. *Id.* at 375.

39. The Commission stated in *Cullman Broadcasting Co.*, 40 F.C.C. 576, 577 (1963) that when the alternative is to leave the public uninformed, a licensee can not reject a presentation on the ground that no paid sponsorship is available.

40. Letter to Zapple, 23 F.C.C. 707, 708 (1970).

41. S. 3637, 91st Cong., 2d Sess. (1970).

spending."⁴² This may be true on its face, but, as previously demonstrated herein, the spending problem is inseparably wed to the use of broadcast facilities in political campaigns. Assuming that the Federal Elections Campaign Act of 1971⁴³ will largely remedy the problem presented by candidates who are able to spend *too much* money on broadcasting,⁴⁴ the public will still be left with the problem of the candidate whose poverty excludes his use of the broadcast media.⁴⁵ It is unlikely that any measures can completely solve this problem, but one partial solution is very attractive: *broadcast licensees should be required to make available some minimum amount of sustaining time for political broadcasts.*

Conceivably, both Congress and the F.C.C. could impose such a requirement of free time on broadcast licensees. In fact, a related requirement was proposed in 1934 as an amendment to the Communications Act of that year, but was rejected amid the outraged cries of the National Association of Broadcasters.⁴⁶ And, a bill proposed by Senator Clark in 1967 would have made free time for candidates a condition for the granting of a station license.⁴⁷

As stated earlier, the F.C.C. has avoided applying free time requirements in political broadcasts, even for rebuttal.⁴⁸ But, it is ". . . uncertain whether the Commission believes it *cannot* (legally) provide *free* rebuttal time under the fairness doctrine and *Cullman* to opposition spokesmen or supporters; or whether it feels it is merely *inadvisable* (in terms of policy) to do so."⁴⁹ Meanwhile, at least one writer has suggested that "[i]f free time should not be made available in significant amounts, the Commission could require that a specified amount of free time, including prime time, be made available for political broadcasts."⁵⁰

The most valid objections to a sustaining time requirement seem to be

42. S. REP. NO. 92-229, 92d Cong., 1st Sess., 103 (supplemental views of Mr. Allen).

43. See note 24 *supra*.

44. This is no small assumption, since § 104(a)(1) allows an expenditure of six cents per eligible voter for broadcasting, or approximately \$8,555,300.00 by each presidential candidate in 1972.

45. The tax check-off plan scheduled to take effect in 1976 may partially solve this problem, but it applies only to presidential elections. The national campaign fund scheduled to take effect in 1973 may partially solve this problem, but it applies only to presidential elections. See Pub. L. No. 92-178 § 801, (Dec. 10, 1971).

46. See CHESTER 224-25: The Wagner-Hatfield Amendment would have required that 25% of station programming ". . . be allotted to religious, cultural, cooperative, labor, and similar non-profit organizations." The N.A.B. said that the amendment "would destroy the whole structure of American broadcasting."

47. CHESTER 256.

48. See note 37 *supra*.

49. Compare 23 F.C.C.2d at 711 with N. JOHNSON.

50. See Geller 460 citing 47 U.S.C. §§ 303(b)(r), 307(d), 309, 315(a), (c) (1964), 395 U.S. 367, and 360 U.S. 525.

that if effective, it would encourage a massive use of the media by a glut of political nonentities,⁵¹ and, that significant amounts of sustaining time would be economically harmful to the broadcasters.⁵² These objections could almost certainly be overcome by careful construction of any sustaining time requirement. Numerous suggestions have been made which would eliminate the "candidate glut" problem by the simple expedient of tightening the definition of "candidate."⁵³ For example, a candidate would have to show some significant public support (by petition or otherwise) before he would be allowed to take advantage of sustaining time.

The specter of economic ruin would seem to be easily avoided by making *reasonable* determinations of minimum time for each individual licensee. Three factors which should be included in such a determination are:

- 1) the necessary return on investment for profit;
- 2) the size of the market area; and
- 3) the number of competitors in the market area.

Also, the F.C.C. could estimate a workable minimum by examining its own surveys of political broadcasting, which include statistics on time contributed. Once an economically feasible amount of sustaining time had been determined, it could be left to the individual licensee to allocate the time fairly among eligible candidates.⁵⁴ If every broadcaster were required to provide an adjusted pro-rata amount of sustaining time, then no licensee would gain a competitive edge because of free political broadcasts. A minimum sustaining time requirement could not solve the problems of the poor man in politics, but it could work to alleviate them.⁵⁵

51. T. WHITE, *THE MAKING OF THE PRESIDENT 1960*, at 338 (1961): There were actually 14 other candidates besides Kennedy and Nixon in 1960.

52. One wonders just how imminent economic ruin is for television broadcasters after reading in N. JOHNSON 56 that they "... average a 90 to 100 percent return on tangible investment annually."

53. See, e.g., Geller 458, and Scott, *Candidate Broadcast Time: A Proposal*, 56 GEO. L.J. 1037 (1968). Geller believes that broadcasters would voluntarily provide sustaining time if § 315 were modified. It is difficult to share his optimism for an industry which demonstrates shameless greed in its daily commercial programs. Also, even if broadcasters bowed to pressure from men already in power in making time available, amounts contributed might fluctuate according to the needs of the broadcaster's preferred candidate.

54. To be worthwhile, a significant amount of the time allocated would have to be in prime time periods.

55. Of course, the wealthy candidate will always be at least one step ahead, unless each candidate is given an equal amount of time and not allowed to buy more. This proposal would only narrow the percentage gap between the candidates. Still, it would serve the "... right of the viewers and listeners ..." to receive ideas "... which is paramount. ..." See 395 U.S. at 387, 389-90.

Content

Even if financial differences between candidates could be eliminated tomorrow, the problem of structuring political broadcasts⁵⁶ in order to inform the public would remain. At present, few politicians use the broadcast media for the public discussion of issues. Instead, they try to increase their positive identification by voters through a barrage of short "spot" announcements. In fact, during 1968, ninety-one percent of the total political broadcast charges of \$49 million was spent on spot announcements, and only nine percent on program time.⁵⁷

It would be difficult to imagine a spot time announcement of fifteen, thirty, or even sixty seconds duration that would be a worthwhile contribution to the voters' fund of political knowledge. From what this writer has seen, politicians and their advertising agencies have so far failed to solve the problem. Spot announcements simply cannot provide anything more valuable than the candidate's conclusions as to his own worth. There is no time available to allow the candidate to substantiate his claims, even assuming that supporting facts exist. And, as Adlai Stevenson observed in 1952, "[t]he idea that you can merchandise candidates for high office like breakfast cereal . . . is the ultimate indignity to the democratic process."⁵⁸

There are at least two reasons for the prevalence of spot announcements in political broadcasting. First, they can deliver a hard emotional punch, especially when full advantage is taken of visual aids (in television spots), such as film clips.⁵⁹ A conclusion can be stated or dramatically implied, with no time allowed for the listener or viewer to respond with a question. Use of the spot announcement, especially in television, enables the candi-

56. The "problem" arises out of an apparently inherent ability of the broadcast media to convince, and, therefore, mislead. Remember that in A. HAMILTON or J. MADISON, THE FEDERALIST NO. 63, while advocating the adoption of a senate, the author warned that ". . . there are . . . moments in public affairs when the people, stimulated by some irregular passion, . . . or misled by the artful misrepresentations of interested men, will call for measures which they themselves will afterwards be the most ready to lament and condemn." [Emphasis added].

57. See Geller 461, citing F.C.C. News Release No. 36,689, Aug. 27, 1970. Geller suggests that the industry act on its own in reducing the use of spot announcements, a view shared by Porter, *supra* note 4. To date, though, the industry has never acted on its own in this regard, although in 1952 Ward L. Quaal imposed a 5 minute minimum time rule in situations owned by what is now Avco Broadcasting Co.

58. Porter, *supra* note 4.

59. E.g., President Johnson's "daisy plucking" ad in 1964, which juxtaposed a girl counting the daisy's petals with a countdown and the explosion of an atomic bomb. Porter reports that the President was so incensed by the ad that it ran only once. (In light of the PENTAGON PAPERS, it might be amusing to speculate on the possibility of a false advertising suit against Johnson or his campaign manager).

date to evade the discussion of issues by the expression of sympathy for popular trends.⁶⁰

The second advantage is that the public does not turn them off. Whether hidden within or sandwiched between prime time entertainment programs, spot announcements become part of the mindless prattle which viewers have learned to enjoy, endure, or ignore, but not to criticize. Spot announcements rely on a shotgun theory for success. Viewers may leave their living rooms for their kitchens during some of the commercial breaks, but sooner or later numbers will win out, and the viewer will receive the message.⁶¹

Of course, this technique is perfectly in line with a politics that is oriented to style rather than to issues. Leaving aside the very real question in the minds of some⁶² as to whether distinctions of style are any less important than distinctions of viewpoint, we can at least assume that the theoretical basis of our democracy requires that issues be contested.⁶³

The major difficulty involved in remedying the broadcast content problem is one of curing the patient without killing him. Political broadcasting could be a great aid in informing the electorate⁶⁴ if it could be made to convey a discussion of issues rather than crass emotionalism.

The best method of forcing candidates to meet issues head-on is by encouraging the use of the five-minute "short program" format, especially when such a program is placed between primetime entertainment programs. Simply stated, the rationale is that it is hard to evade the discussion of issues for five straight minutes. The public will notice and will ask questions.

While the most notable proponents of the short program format have suggested that the industry should voluntarily adopt the policy,⁶⁵ the industry's failure to do so already gives little cause for optimism. One suspects that the industry is not too anxious to meddle in the rules of political broadcasting unless it is given a public push by Congress or the F.C.C.

But, instead of providing the needed push, Congress has actually encour-

60. "Television seems particularly useful to the politician who is charming but lacks ideas. Print is . . . for ideas. Columnists and commentators . . . do not care what a man sounds like; only how he thinks. For the candidate who does not, such exposure can be embarrassing." MCGINNISS 29.

61. T. WHITE 339, explains the use of spots thus: "The general audience would not tune out a hostile candidate if he appeared for only two or three minutes . . . and so a candidate using spots has a better chance of reaching . . . members of the opposition party and the 'independents' whom he must lure to listen to and then vote for him."

62. *E.g.*, GARY WILLS IN NIXON AGONISTES.

63. *See* 395 U.S. at 390: "It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail. . . ."

64. *See* note 3 *supra*.

65. *See* note 54 *supra*.

aged the use of political spot announcements by not excluding them from the favorable treatment it gives to political broadcasting. Section 315(b) requires that charges for the use of broadcast facilities by a candidate “. . . shall not exceed the charges made for comparable use . . . for other purposes.”⁶⁶ And the new Federal Elections Campaign Act of 1971 limits charges to “. . . the lowest unit charge of the station for the same class and amount of time for the same period.”⁶⁷ No exception has been made for spots. The F.C.C. has drawn the obvious conclusion that congressional intent demands cheap spots for political broadcasts.⁶⁸

Fortunately, Congress is of necessity responsive to public clamor. If a widespread interest in discouraging political spot announcements were ever expressed, Congress would find workable methods near at hand. The most readily apparent is the further amendment of Section 315 to limit the availability of lowest rates to uses lasting at least five minutes. Also, if measures requiring the allotment of free time for political broadcasts were ever enacted, a requirement that the time be in five minute blocks could be included.

It is hoped that Congress or the F.C.C. will soon take steps to facilitate the use of broadcasting for the discussion of issues in political campaigns. That the problem is not a new one is illustrated by the comments of a student of the media in 1956: “Evaluations to date suggest that television projects personalities better than it demonstrates issues. . . . There is no reason television can not do a great deal more than it does to deal with issues on a reasoned basis.”⁶⁹

Conclusion

The broadcast media are not effectively employed to provide the democracy with an informed electorate. Their chief problems are that they are often inaccessible to many serious candidates, and that their peculiar characteristics do not encourage an open discussion of issues.

The proposals suggested here certainly would not completely cure the ills of electronic politics, even if enacted (which is unlikely in the absence of public demand). But they would alleviate some of the more egregious wrongs. True, elections would still be strongly affected by the skillful use

66. 47 U.S.C. § 315(b) (1964).

67. Pub. L. No. 92-225, § 103(b)(1) (Feb. 7, 1972).

68. See 23 F.C.C.2d 760, 763, 954 (1967) for rulings that special rates for “Run of Schedule” spots offered to commercial advertisers must also be made available to political candidates.

69. C. THOMSON, TELEVISION AND PRESIDENTIAL POLITICS 137-38 (1956).