

(77-2)  
STATEMENT OF SENATOR STROM THURMOND (D-SC) ON THE SENATE FLOOR,  
JANUARY 27, 1958.

MR. PRESIDENT:

I send to the desk in behalf of myself and Senators Smathers, Lausche, Potter, Payne, and Butler, for appropriate reference, a resolution declaring that it is the sense of the Senate that the Federal Communications Commission should not, without specific authorization by law, authorize or permit any television broadcasting station to impose a toll or other charge on the general public for the privilege of viewing television programs received over television sets located in the home.

The question of whether the Federal Communications Commission/ presently has the legal authority to authorize subscription television/ is in doubt. While the Commission maintains that it has such authority under the Communications Act of 1934, as amended, the question has not been resolved by the courts; nor has the Congress passed explicit legislation to settle the issue one way or the other.

There is one extremely important reason why it is unwise to permit the Commission, through Congressional inaction, to proceed with its plan to authorize toll TV on a trial basis. The installation of a toll TV system/ requires a high initial investment. Estimates of the cost of the decoding apparatus that must be attached to each receiving set/ run from \$45 to \$100 per unit. It is easy to imagine the cries that would arise from investors in toll television/ if such a system, once started, later was found not to be in the public interest.

There are a number of reasons to believe that the ultimate decision would be /that toll television is not in the public interest /and the millions invested would go for naught.

If we could be assured that toll television programs would replace the worst of our present programs, it would be a great blessing. But we must face the fundamental truth that there are only 24 hours in the day, and only about three of that number can be classified as prime viewing time. During the same evening hours when our commercial broadcasters now make their best efforts to please the mass audience, toll TV would send out its best programs.

Thus toll television would compete directly with, and in some cases completely black out, the free television programs that give our commercial stations their best source of revenue /and indirectly support the full morning-to-midnight service to which the public is now accustomed.

The ultimate result of such competition may well be the destruction of our free television system /and its replacement with something not nearly so good.

Mr. President, there are about 47,000,000 television sets in operation in the United States today. If there is any reason at all to believe /that the owners of these sets are to be assessed substantial sums for continued service, it behooves Congress to move to protect the public.

The immediate need is to prevent the Federal Communications Commission /from setting forth on a course of action /from which there may be no turning back. In time, I believe, Congress must make the final determination.