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ABSTRACT

In 1970, the Legislative Reorganization Act authorized the U.S. Senate and House of Representatives to open their committee meetings to both radio and television. Three factors increased interest in implementing media coverage of such meetings: feasibility of televised coverage, public cynicism and hostility generated by misinformation and information gaps, and the realization that television would effectively shift power from the president, who has made increasing use of the medium, to the Congress. Opponents of the use of television cite the disruptive effects of television cameras, bright lights, and microphones as reasons for rejecting media coverage. A report prepared by the Congressional Research Service at the request of the Joint Committee indicated, however, that these objections could be overcome. Steps toward legislative resolutions which would allow televised coverage of committee. meetings and open floor debate have not been acted upon, despite the fact that a recent Roper poll of television viewers indicated that more than 50% of those interviewed felt that deliberative sessions should be televised. (KS)

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CONGRESSIONAL TELEVISION:

ATTEMPTS TO IMPLEMENT TELEVISED COVERAGE
OF THE U.S. CONGRESS

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CONGRESSIONAL TELEVISION: ATTEMPTS TO IMPLEMENT TELEVISED COVERAGE OF THE U.S. CONGRESS

The Legislative Reorganization Act of 1970 authorized the U.S. Senate and House of Representatives to open committee hearings to both radio and television. Although a number of notable hearings were televised between 1948 (when the Senate Committee on Armed Services first allowed television coverage of one of its hearings²) and 1970, such coverage was granted only at the pleasure of a few committees. Through the Legislative Reorganization Act the U.S. Congress formally acknowledged the importance of television as an information medium. Political events of the 1970's have furnished Congress with additional evidence for further liberalization of its attitudes toward opening its chambers to live television coverage. The current proliferation of studies, reports and changing congressional attitudes toward implementing legislation that would allow televised sessions of both the U.S. Senate and the U.S. House of Representatives requires examination.

Factors Related to Implementing Congressional Television

The concept of congressional television is actually as old as the broadcasting industry itself. In 1922, Representative Vincent Brennan submitted a joint resolution (H.J. Res. 278) to the House "providing for the installation and operation of radiotelephone transmitting apparatus for the purpose of transmitting the proceedings and debates of the Senate and the House of Representatives..."

Two years later a more ambitious resolution (S. Res. 197) was introduced into the Senate by Senator Robert Howell recommending that a joint commission of radio experts be appointed to, among other things, investigate and report to the Senate on "equipment necessary for the broadcasting by radio of the proceedings of the Senate and the House ... throughout the country, utilizing the radio stations of the war

department." In 1944, Senator Claude Pepper submitted a joint resolution to the Senate (S.J. Res. 145) directing the Architect of the Capitol to aid the major broadcasting companies in establishing a system of broadcasting from the Senate and House chambers. The Pepper resolution fathered modern legislative efforts to implement congressional television. Between 1944 and 1974, thirty-three additional resolutions were introduced into Congress calling for some form of congressional broadcasting. However, none of the above resolutions were ever fully enacted; congressional radio or television never became a reality.

Three factors increased interest in congressional television in the 1970's:

1) acknowledged feasibility of televised coverage; 2) public "cynicism, hostility, and alienation" toward Congress conditioned by misinformation and information gaps between it and the public; and 3) realization that television would be helpful in balancing the shift of power away from Congress toward the President, who has made increasing use of the medium.

The "acknowledged feasibility" factor may be examined in the context of technical feasibility or institutional feasibility. Technical feasibility deals with development of hardware and production techniques suitable for use in the congressional chambers—a matter for later discussion. Institutional feasibility, however, deals with agreement among members of the broadcasting industry, as well as among members of Congress, that television cameras could be used effectively and with proper decorum to transmit live floor proceedings from the congressional chambers to the American public.

Just how successfully television could be used in a situation similar to a congressional session was demonstrated by the coverage given the 1974 House Judiciary Committee debate on the impeachment of President Nixon. This was the first time Congress had ever allowed cameras to cover an actual deliberative session of a congressional committee. Prior to the telecasts, opponents to

television argued that viewers would not be treated to a balanced picture of the impeachment issue, that a circus atmosphere and "grandstanding" would prevail, that "instant analysis" by network commentators would misinterpret the committee members' views as well as the necessary formalities of the committee sessions, and that the traditional solemnity of the proceedings would be destroyed. Dut as the debates ended, the doubts as to the propriety of television's presence seemed to have been dispelled. Spokesmen for the leadership of the House and Senate and for the Judiciary Committee were pleased with the results. Committee Chairman John Rodino expressed minor complaints about forgetful technicians leaving microphones open at times when they should have been closed and about comments from network anchormen concerning the slow pace of committee deliberations. Generally, though, Rodino was pleased with television's conduct. An obviously elated Senator John Pastore remarked that television had given the Judiciary Committee a "magnificent exposure."

The second factor influencing congressional interest in television, that of negative public attitudes toward Congress, may be directly attributable to the third factor, that of a shift in balance between the abilities of the executive and legislative branches of government to communicate with the public. Media critic Sig Mickelson explains how the government-to-public communications process should normally function:

If one visualizes the governmental process in the United States as being an equilateral triangle with the White House, or executive, at one apex, the Congress, or the legislative, at another, and the public at a third, the media of communications are the linkages between and among these three elements. The White House uses radio, television, and the newspapers when it wishes to communicate to the Congress and the public. The Congress, when it wishes to communicate with the Executive, uses the communications media to build pressure within the public. The public, in turn, exerts pressure on the White House and the Congress through the electoral process, which is stimulated by communications. 12

Mickelson's ideal balance, however, has not been realized. Reasons for this failure are cited by Minow, Martin and Mitchell in Presidential Television:

The result of increased presidential access to television has been illustrated by pollster Louis Harris, whose surveys of American public opinion over the last few years have found a definite "correlation between televised presidential speeches and increased public acceptance of the president's position." 14

whenever the President requests air time from the three national commercial television networks to address the nation he is almost always assured of receiving it. A recent study has shown that from January of 1966 to October of 1975, Presidents Johnson, Nixon and Ford requested and received simultaneous network time on forty-five consecutive occasions. The string was broken on October 5, 1975, when CBS and NBC declined live coverage of an address by President Ford on a proposed tax cut. The reason given for the networks' refusal of air-time was their liability in granting equal time to other candidates for the presidency since Ford had previously announced his own candidacy. Besides the prospect of assured television access, the President is also assured that his address will occupy prime time and that he will reach between forty and eighty million Americans. 16

Individual congressmen have been denied such open access to television, although the networks have provided time for congressional response to the President's annual State of the Union Address since 1970. 17 In the same year, Senator William Fulbright introduced a bill into the Senate (S.J. Res. 209), that would have required broadcasters to "provide a reasonable amount of broadcast time to 'authorized representatives' of the House and Senate to present views of the two Houses on issues of public importance, at least four times a year." The Fulbright bill was not

reported from subcommittee for the primary reason that a method for choosing congressional spokesmen could not be determined -- a problem which more than any other distinguishes the legislative branch from the executive branch in the latter's ability to communicate directly with the public whereas the former cannot. In essence there is only one voice representing the executive, the President's; there are 535 voices representing the legislature, each capable of presenting a singular, partisan view, but none capable of presenting a unified institutional view. 19

Studies and Reports Related to Implementation of Congressional Television

In December, 1972, the Joint Committee on Congressional Operations on Congress and Mass Communications began to seek methods available to Congress for implementing its use of television. The committee, chaired by Representative Jack Brooks, requested the Congressional Research Service to prepare a report with its prime objective to "suggest and evaluate various ways that Congress might more effectively communicate the meaning of its constitutional role and daily activities to the American people."20 In addition, the committee scheduled four days of hearings in February and March, 1974, to consider:

How can the role of Congress be more fully and accurately covered in the news media?

Second. How can spokesmen for Congress gain direct access more readily to the broadcast media to present congressional viewpoints on issues?

Third. What additional facilities, staff and other supporting services, if any, are required to provide Congress with more adequate institutional capability in the area of mass communications?

Among those invited to appear before the committee were other members of Congress, commercial and public broadcasters, experts in communication law and technology and representatives from other media interests. 22

Those persons testifying before the Joint Committee were in general agreement on three basic points:

- 1. Most Americans know less than they need to know about the workings of Congress and its constitutional role;
- 2. Part of the blame for ineffective communication lies in Congress, in procedural constraints as well as in other aspects of its organization and operation which can--and should--be changed; and
- 3. Declining public confidence in Congress--along with other democratic institutions--urgently demands corrective action, including, provision for broadcast coverage of House and Senate floor proceedings.

Opponents to use of television as a solution for the above problems cited the highly disruptive influence of television cameras, microphones and live broadcasts in the congressional chambers. Among other problems envisioned by opponents were the possibilities that television would:

- 1. Subject members to the pressures of performing before a mass audience, distracting them from concentration on complex issues and inhibiting the necessary compromises that go into the making of legislative decisions.
- 2. Result in members having to spend more of their already too thinly divided time on the floor (to avoid being charged with 'absenteeism'), conflicting with committee work and other necessary duties elsewhere.
- 3. Limit or eliminate the use of revise-and-extend procedures, extending debate unnecessarily and requiring more floor time for consideration of legislation.
- 4. Place the less aggressive or articulate members at a disadvantage, providing at the same time a forum for a few to 'showboat' in an effort to appeal favorably to their constituents.
- 5. Require the installation of bright lights, bulky cameras, cumber me cables, and the presence of technical personnel and commentators in the galleries, creating uncomfortable glare and other distractions in the chambers.
- 6. Present a distorted picture of the congressional process, focusing undue attention on the final stage of legislative activity, much of which is either too dull to be interesting or too complicated to be understandable to the average viewer or listener.²⁴

Proponents of congressional television suggested conditions and procedures that would either reduce or completely eliminate the problems envisioned by critics.

Some persons felt that televised coverage might even improve floor debate and help

rid Congress of some of its antiquated procedural rules and traditions governing floor action. 25 The problems of bulky cameras, microphones and increased light levels in the chambers could be resolved by technicians who said that only four cameras occupying about twenty-four square feet could cover all activity in both the Senate and House. Existing public address systems in both chambers could be brought up to broadcast standards, thus eliminating need for additional microphones. Newly developed low light level cameras would allow color television (which normally requires a higher light level than black and white) from the congressional chambers without any increase over present light levels. 26

Perhaps the most impressive evidence for televised coverage of Congress was provided in the report prepared by the Congressional Research Service on request of the Joint Committee. The report documented several cases of successfully televised parliamentary sessions in such countries as New Zealand, Austria, West Germany, Denmark, Norway, Sweden and Finland. The British House of Commons narrowly rejected a proposal to televise its sessions²⁷ and in June, 1975, did permit live coverage by BBC Radio on an experimental basis.²⁸ The CRS Report was especially complimentary of the television system and facilities of the United Nations. Continuous live coverage of U.N. proceedings allows anyone to pick up direct television feeds for network airing. Also, of the state legislatures in this country, all but one allows some coverage by radio and television of floor sessions.²⁹

The Joint Committee concluded that evidence gathered during its investigation into the communications problems and possible use of congressional television demonstrated:

- 1. The potential for bringing more information about congressional activities directly to more Americans through broadcast coverage of activities in the House and Senate Chambers is substantial;
- 2. The experience of other legislatures which have permitted such coverage under varying conditions over the past several years has been generally favorable; and

3. The technology of communications is sufficiently advanced to provide for televising or recording unobtrusively without disrupting floor proceedings. 30

Based on these conclusions, the Joint Committee recommended that "Congress move forward with a carefully designed but limited test to determine the ultimate feasibility and desirability of a permanent system for broadcasting activities in the House and Senate Chambers." The Public Broadcasting Service would supervise the test under the provisions that 1) during the test period, the audio and video feed would be made free of charge to broadcasters; 2) tapes of the congressional sessions would be made available at a reasonable cost to broadcast and educational organizations requesting them; 3) the most modern, light sensitive cameras would be used'and would be located in the galleries with no cameras permitted on the floor of either the House or Senate: 4) a sufficient number of cameras would be installed to provide coverage of the entire floor of each house in order that speakers would not have to move from their desks; 5) a minimum of panning or "reaction shots" would be allowed; 6) non-partisan coverage and equitable recording of views of congressmen engaged in floor debate would be insured; and 7) comprehensive evaluation of each phase of the test program would be conducted. The evaluation would examine the use made of televised congressional material available to broadcasters, the effects of televised coverage on floor proceedings, the attitudes of congressmen toward televised floor proceedings, and the response of the general public toward televised coverage of House and Senate floor proceedings.31

Legislative Implementation of Congressional Television

On January 25, 1975, Senator Lee Metcalf introduced Senate Resolution 39 into the Senate with provisions for enacting into law practically all of the recommendations made by the Joint Committee on Congressional Operations. Additional provisions included in the resolution were for installation of television monitors in the office of each House and Senate member so that floor proceedings could be followed while not

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in the chamber and a prohibition against commercial sponsorship of televised congressional proceedings. Use of live or taped portions of such proceedings as a part of political campaign advertising was also prohibited. Senate television coverage would be managed internally by the Senate Committee on Rules and Administration rather than by the Public Broadcasting Service. Two months after introduction of the Metcalf Resolution, on March 3, Representative Jack Brooks introduced an almost identical bill, House Resolution 269, into the House of Representatives. As in the Metcalf Resolution, the Brooks Resolution called for management of House telecasts by the House Commission on Information and Facilities. Both S. Res. 39 and H. Res. 269 were referred to the Rules Committees of their respective chambers.

While both the Metcalf and Brooks Resolutions were still in committee the Senate, in June, 1975, voted unanimously to permit televised coverage of debate from the Senate chamber over the contested New Hampshire Senate race between Republican Louis Wyman and Democrat John Durkin. This would have been the first such coverage of Senate debate, had it materialized. However, unresolved differences between the Senate and television network officials over the Senate chamber's light level forced cancellation of the Wyman-Durkin debate telecast. The Senate refused to increase the light level at the network's request to allow for color transmission. A second network request to limit debate was similarly refused due to the Senate's tradition of placing no such restriction on time allotted for floor debate. 36

Meanwhile, all four television networks were invited to conduct technical feasibility tests in the House chamber during the congressional recess of August, 1975. The networks concluded from these tests that there would be little difficulty in adapting the chamber to meet television standards. On this basis a proposal was forwarded by the networks to a special House Rules Committee ad hoc subcommittee on broadcasting. It stipulated that the networks would agree to provide the necessary equipment, installation and personnel to operate the equipment on a pool basis if

the House would agree to permit live television coverage. 37

The subcommittee, chaired by Representative B.F. Sisk, met in October to review the broadcasting issue and to consider the network proposal. 38 During the meeting the network plan was incorporated into an amended version of the original Brooks Resolution. The new resolution (H. Res. 875) would allow the four television networks to pool House coverage, pay for and operate the necessary equipment and manage distribution of live feeds and taped material to local television stations. It differed from the Brooks Resolution that would have had Congress finance the broadcast equipment and personnel and manage signal distribution to the stations. Representative Brooks objected to H. Res. 875, insisting that "it grants to four networks a virtual monopoly over the sale and distribution . . . with the right to establish fees and probably even to obtain a copyright on . . . public materials."

In early February, 1976, H. Res. 875 was reported out of subcommittee to the full House Rules Committee. 40 However, in late March this committee voted nine-to-six against reporting the measure to the full House, voting instead to recommit it to the Sisk subcommittee. 41 Representative Sisk maintained that the primary opposition forcing the resolution back to his subcommittee came from House Speaker Carl Albert and House Majority Leader Thomas O'Neill. Sisk insisted that the full House, if given a chance, would pass a resolution allowing for some form of telecasts from the House chambers. A poll conducted by Representative Claude Pepper showing a majority of House members responding (238 to 346) in favor of televised House sessions seemed to substantiate Sisk's claim.

The Sisk subcommittee spent the summer of 1976 preparing to re-submit H. Res. 875 to the Rules Committee, but it added two resolutions that would offer alternative systems to television operation in the House. Accompanying the original plan for a network-run system were resolutions calling for 1) a system managed by the Public Broadcasting Service only and 2) a system managed entirely by the House, using

House equipment operated by House personnel. Representative Sisk reasoned that the House Rules Committee would certainly vote to send at least one of the three resolutions to the House floor. However, as the 94th Congress adjourned in early October the Rules Committee had not yet acted upon any of the Sisk subcommittee resolutions.

Meanwhile, the Senate Rules Committee failed to act on S. Res. 39 which would have allowed live telecasts from the Senate chamber. The resolution, originally submitted to the Senate in January, 1975, also died in committee as Congress adjourned in October, 1976.

Conclusion

Pespite congressional reluctance, a recent Roper Poll indicated that more than Rifty percent of those interviewed felt deliberative sessions of Congress should be televised; only twenty-seven percent felt that they should not be. 45 Public support, demonstrated feasibility and increased need for congressional television would seem to suggest the time for its implementation is imminent. Ralph Goldman, in a 1950 article analyzing the prospects for congressional television at that early date, reached a similar conclusion. His summary of the situation as it existed twenty-six years ago is still appropriate. Speaking of congressional television, Goldman remarked, "A new synthesis of legislative process and mass media is in the making and seems only to wait upon the appropriate catalyst, for the elements to be combined are many and the inertia to be overcome is great."

- Congressional Research Service, "Laws and Rules Governing, Congressional Committee Broadcast of Hearings," in Congress and Mass Communications: Appendix to Hearings Before the Joint Committee on Congressional Operations, 93rd Cong., 2nd Sess., 1974 (Washington: Government Printing Office, 1974), p. 836. A majority vote by committee members is still required in both the Senate and the House to determine whether or not committee hearings will be open to television coverage. Ibid., pp. 837-839, 850-851.
- ²U.S., Congressional Record: Appendix, 82nd Cong., 2nd Sess. (1952), XCVIII, Part 10, A2836-A2837.
- With the exception of hearings conducted by the House Committee on UnAmerican Activities in the late 1940's the most notable televised congressional
 hearings during the 1948-1970 period were conducted by Senate committees (e.g.,
 Kefauver hearings, McCarthy hearings, McClellan hearings, etc.). The reason for
 this was a ban placed on television coverage of House committees by Speaker Sam
 Rayburn in 1952. Citing the authority that the rules of the House were the rules
 of its committees, Speaker Rayburn reasoned, "There is no authority, and as far
 as the Speaker knows, there is no rule granting the privilege of television of the House of Representatives." U.S., Congressional Record, 82nd Cong., 2nd
 Sess. (1952), XCVIII, Part 1, 1334.
- 4U.S., Congressional Record, 67th Cong., 2nd Sess. (1922), IXII. Part 3, 3130.
- 5U.S., Congressional Record, 68th Cong., 1st Sess. (1924), LXV, Part 5, 5122.
- 6U.S., Congressional Record, 78th Cong., 2nd Sess. (1944), XC, Part 5,
- Richard Byer MacCann, "Televising Congress," The American Scholar, 44 (Summer, 1975), p. 467.
- 8 John S. Steward, "Congress on the Air: Issues and Alternatives," <u>Journal of Communication</u>, 24 (Summer, 1974), p. 82.
- 9"Historic Coverage for Historic Events," Broadcasting, 87 (July 29, 1974), p. 29.
- 10U.S., Congressional Record, 93rd Cong., 2nd Sess. (1974), CXX, No. 108, H6803-H6814.
- 11 "Nixon's Days in Court Are TV's Too," Broadcasting, 87 (August 5, 1974), pp. 18-22.
- 12 Sig Mickelson, The Electronic Mirror: Politics in an Age of Television (New York: Dodd, Mead, 1972), p. 9.
- Newton Minow, John B. Martin and Lee M. Mitchell, Presidential Television (New York: Basic Books, 1973), p. 4.

- 14 Ibid., p. 19.
- 15 Denis S. Rutkus, "Presidential Television," Journal of Communication, 26 (Spring, 1976), pp. 75-76.
- 16U.S., Congressional Record, 94th Cong., 2nd Sess. (1976), CXXII, No. 8, H425.
 - 17_{Minow}, p. 105.
- 18U.S., Congressional Record, 94th Cong., 2nd Sess. (1976), CXXII, No. 8,-
 - 19Ibid.
- Congressional Research Service, Congress and Mass Communications: An Institutional Perspective. A Study Conducted for the Joint Committee on Congressional Operations, 93rd Cong., 2nd Sess., 1974 (Washington: Government Printing Office, 1974), pp. IV-V.
- 21 U.S., Congressional Record, 93rd Cong., 2nd Sess. (1974), CXIX, Part 33, 42724,
 - 22 Ibid.
- 23 Broadcasting House and Senate Proceedings: Interim Report of the Joint Committee on Congressional Operations on Congress and Mass Communications, 93rd Cong., 2nd Sess., 1974 (Washington: Government Printing Office, 1974), p. 20.
 - ²⁴Ibid., p. 19.
- ²⁵Ibid. A separate report by the Twentieth Century Fund Task Force on Broadcasting and the Legislature suggested the following ways in which Congress might reform its procedures to make itself more conducive to television:
 - 1. Buring each term, Congress might hold special evening sessions to debate important policy issues chosen by the leadership. These sessions would be quite newsworthy, and the networks should televise them in the same live, simultaneous manner as presidential appearances.
 - 2. Congress might establish a question session similar to that of the British Parliament, where the Prime Minister and his ministers appear before Parliament to answer questions about the state of government. Thus, the President and his testing officers might be asked to come before Congress to respond to the questions of members, and sessions would be available for television coverage.
 - 3. Congress might institute a "State of the Congress" address each session, a report to the nation by congressional leaders on the status of matters before Congress. Because of its news value, it might be given live, simultaneous coverage similar to that given the President's annual State of the Union address.
 - 4. Congress might reduce the number of committees, the overlap in jurisdictions, and the number of committee assignments of each member. Scheduling of committee sessions could be coordinated with the scheduling of floor functions to allow members to attend both.

5. Congress might establish an Office of Congressional Communications to assist broadcasters covering Congress. The office could help familiarize reporters from all media with congressional rules and procedures and act as a clearinghouse for committee and debate scheduling information, for the distribution of releases, and for all permissions needed to cover Congress. In addition, it could provide an institutional focus for study of ways of improving congressional television. As new communication technology is developed, this office would keep Congress advised of its potential and would design and propose means of utilizing such methods to improve Congress' effectiveness further. Openly Arrived At: Report of the Twentieth Century Fund Task Force on Broadcasting and the Legislature, (New York: The Twentieth Century Fund, 1974), pp. 94-96.

²⁶Ibid., pp. 41-42.

27_{Steward}, pp. 87-90.

28"Everything Goes on BBC Radio in Test of Parliament Coverage," Broadcasting, 88 (June 16, 1975), p. 43.

²⁹Steward, pp. 87-90.

Broadcasting House and Senate Proceedings, pp. 1-2.

31 Ibid., pp. 54-56.

32 U.S., Congressional Record, 94th Cong., 1st Sess. (1975), CXXI, No. 9, \$1073-\$1074.

33 U.S., Congressional Record, 94th Cong., 1st Sess. (1975), CXXI, No. 33, H1285-H1286.

34 "Where Things Stand: Broadcasting in Congress," Broadcasting, 88 (June 16, 1975), p. 12.

35"Didn't They Almost Make It This Time," Broadcasting, 88 (June 16, 1975), p. 43. Without fanfare, the Senate had allowed cameras into the Senate chamber on December 19, 1974, to televise the swearing-in ceremony of Vice-President Nelson Rockefeller. U.S., Congressional Record, 93rd Cong., 2nd Sess. (1974), CXX, No. 179, S22447. The House routinely opens its chamber to television coverage of ceremonial speeches by visiting heads of state, dignifaries, the President's State of the Union Address, etc.

36"Didn't They Almost Make It This Time," p. 43.

37 U.S., Congressional Record, 94th Cong., 1st Sess. (1975), CXXI, No. 147, S17374.

38 Ibid.

39"Lawmakers Give Support to Test of Broadcasting in the House," Broadcasting, 89 (December 8, 1975), p. 74.

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- "More Obstacles Pop Up as Broadcasting in the House Takes a Step Forward," Broadcasting, 90 (February 9, 1976), p. 36.
- 41"Rules Panel Kills Flan to Televise Debates," Congressional Quarterly, 34 (March 27, 1976), p. 690.
- 42"Broadcasting in the House: Sisk Refuses to Let It Die," Broadcasting, 90 (June 7, 1976), p. 45.
 - 43 Ihid.
- 44"Where Things Stand: Broadcasting in Congress," Broadcasting, 90 (June 14, 1976), p. 58.
- 45"Roper Finds Public Wants Congress on TV," Broadcasting, 89 (September 15, 1975), p. 57.
- Ralph M. Goldman, "Congress on the Air," Public Opinion Quarterly, 14 (1950), p. 744.