YOU CAN'T IMPOSE FAIRNESS

The answer lies in professional commitment and competent news staffs

TV - [illegible]

IN ALL FAIRNESS
Last of three parts

By Martin Mayer

On Oct. 16, 1964, 832,353 Austrians (more than one-sixth the total electorate) went to the polls to approve the first (and still the only) referendum in their nation's history. The referendum expressed public displeasure with the state-controlled broadcasting system, and especially with the policy by which the parties represented in Parliament controlled everything broadcast about political questions, each of the three (really two) parties receiving time in proportion to its parliamentary strength. In response to this vote, Parliament in 1967 set up an independent state corporation to control both radio and television in Austria.

Under the new system, Austrian television presents a good deal more about politics than was true before—or is true now in most other countries. Camera crews are permanently on duty at every session of Parliament, and they film every debate of any importance. Some of this film is used on the nightly 7:30-8 news broadcast; the rest is edited for a weekly Friday night prime-time public-affairs program between 8:15 and 10. Choice of film to be shown is entirely at the discretion of the news department and reflects professional news judgment only, with no requirement of "fairness." The policy statement says, "News to please interest groups or individual persons or to provide publicity for them is not justified and has to be excluded from information broadcasts. Whenever political parties and interest groups make real news, it is to be presented solely according to its value as news without any attempt to strike a political balance."

Don't the politicians complain? "Oh, yes," says Gerd Bacher, a former newspaper editor now director-general of Austrian broadcasting. "They complain every day. But I say, 'Sorry, we cannot help you . . .' "

In France, too, television received new freedom—at least in theory—as the result of popular protest. ORTF, the French broadcasting system, was

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and is an arm of the French state, supervised by a cabinet minister. One of the goals that emerged from the revolutionary confusion of May 1968 was journalisic freedom for ORTF newsmen, who until then had been forced to toe the government's line on all controversial subjects. ("I have television," General De Gaulle is reported to have said, "and my enemies have the press.") Indeed, among the amusements available to French-speaking American visitors has been a chance to look at the United States—a rotten, corrupt, poverty-stricken, untrustworthy bully—as officially presented over television to the French people.

Today there are two competing news divisions on French television, one for each of the two channels, and presumably they operate independently of the government and of each other. Actually, there still seems to be considerable direct government influence on what is shown, and last spring several news producers resigned in protest over what they considered suppression of their film. Direct political broadcasting, however, has opened up considerably. One Tuesday a month, ORTF now presents a two-hour confrontation—called *A Armes Egales*—between two leading political figures on different sides of a current issue. Each has 15 minutes to present his own program, including news film or outside interviews if desired; then an hour of a no-holds-barred debate is staged and finally, the audience asks questions.

By contrast to French television, which has never pretended to be "fair," all British broadcasting of news and politics rests firmly on a statement in 1923 by Lord Reith, father of the nonprofit, wholly independent BBC: "Great discretion has to be exercised in such matters, but if on any controversial matter the opposing views are stated with equal emphasis and lucidity, then at least there can be no charge of bias." This British "fairness doctrine" has never been imposed by law; it is simply BBC policy. (The profit-making Independent Television Authority, however, is legally required to be "fair.")

Until 1959, the BBC avoided electoral politics like the plague—its news shows did not even report political speeches during campaigns. Now there is direct political coverage in the news shows, though, unlike the Austrians, the British do feel constrained to allot news time to the parties in the ratio agreed upon for presentation of political speeches during election periods—equality between Labor and Conservative parties, with the Liberals receiving two minutes for every five given to each of the others. "But we are all Reithians here," says Stephen Murphy of ITA. "The typical situation in this country is where a man produces a program that is biased against the party in which he as a private person believes."

For all their sense of fairness, the British play rougher than we do—when a man is injured in rugby football, his team continues with one man less; in the game cricket, the fielders play without gloves. During the last election campaign, a reporter interviewing then Prime Minister Harold Wilson on television tapped him angrily on the knee and asked him how he could call himself a socialist when he didn't believe in the expansion of public ownership. British TV reportorial teams have used hidden cameras and bugs for shows on industrial espionage and gunrunning to Biafra. David Frost, while operating in England, got himself and ITA in no end of hot water by inviting as a guest a doctor accused of distributing drugs carelessly to his patients, and then loading the audience with ex-patients who said they had been harmed and psychiatrists who condemned the doctor's methods, on the air.

Inaccuracy, unfairness and personal attack are policed most strongly in →

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England by a professional tradition of public, televised apology. Not long ago, the London station of ITA broadcast a local news item about vandalism at a school, including statements by two teen-agers about the causes of their dissatisfactions and the actual damage done. The next day the headmaster of the school called to inform the newsmen that the youngsters in question were not students at the school and had made up their story as they went along. That night the reporter apologized to the headmaster and to the audience for his failure to check his facts. In the United States, beyond question, a similar problem would have been met by an abject letter of apology from the president of the station to the school, and nothing whatever on the air—leaving the school principal with a strong feeling that television news is unfair and inaccurate, and with an itch to demand time to reply.

Such traditions are maintained by paying attention to the realities, not just the forms, of fairness. Charles Curran, BBC director-general, recently spoke of "the balance of impact between, for example, the pictures of starving children in Biafra and the abstract arguments for the sovereignty of independent nations and the undesirability of tribal disintegration in Africa. The pictures call to the emotions and militate against rational balance. We have to do what we can. . . . But it is the trying that matters. And when you talk of intentions you are talking about the application of the individual conscience."

This question of individual conscience—or, to use a synonymous term, professionalism—is one that rarely comes up in American public discussions of these very difficult problems. Somehow, against all the evidence, we continue to believe that by passing a law, or setting up some simple-minded legal procedure, we can make people create and maintain standards of professional performance.

Problems of "fairness" in broadcast news and public-affairs programs cannot be solved by government action; they are manageable only by a professional commitment to objectivity—and the competence needed to make that commitment a reality—in the staffs of the news departments.

"Fairness" itself, of course, is a child's concept ("It's not *fair*!"). One does not have to grow up much to learn, that, as President Kennedy once said to the wives of a group of Army reservists called to service in the Berlin crisis, "Life is unfair." Not the least of the difficulties with a Fairness Doctrine is the fact that the stronger the arguments for one side of any dispute, the more "unfair" an objective presentation must be to the weaker side. Thus the private pilots demanded time from NBC to "answer" the network's presentation of the obvious truth that commercial pilots tend to be much better trained, and were subsequently overruled by the FCC.

It is silly to say that without government intervention "new ideas" would not get a hearing on television—TV, like every competitive entertainment medium, lives on novelty. The real impact of a government-imposed "fairness" rule is much more likely to be vastly increased attention to "old ideas," which are usually well represented by organizations and institutions. "As currently interpreted," says David Adams, executive vice president of NBC, "the Fairness Doctrine will operate to protect vested interests. They're the ones who will push the FCC staff and the Congressmen to make the networks give them their 'rights'." The net effect could be to damage a valuable social mechanism. →

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"One of the ways in which bad ideas die out," says Richard Jencks, president of the CBS Broadcast Group, "is that responsible and informed opinion no longer provides them access." Mechanically applied, the FCC Fairness Doctrine would promote the survival of all sorts of dusty stuff. (The networks like to point out that if they ran a documentary on medical quackery, the Fairness Doctrine would require them to turn over prime time to one of the quacks, who could use it to peddle his snake-oil cancer cure.) Selectively applied, the Doctrine gives the Government an awful temptation to reward friends and punish enemies.

"Whenever anybody is inclined to look to the Government for help in making the mass media do what we desire of them," Zechariah Chafee of the Harvard Law School wrote toward the end of his life, "he had better ask himself one antiseptic question: 'Am I envisaging myself as the official who is going to administer the policy which seems to me so good?' . . . It is very easy to assume that splendid fellows in our crowd will be exercising the large powers over the flow of facts and opinions which seem to us essential to save society, but that is an iridescent dream. We must be prepared to take our chances with the kind of politicians we particularly dislike, because that is what we may get."

No great amount of evidence supports either Vice President Agnew's worries about a Northeastern liberal establishment of news producers or FCC Commissioner Nicholas Johnson's fear of a Midwest conservative conspiracy of station owners. No doubt those who supply access to usable film—all government agencies, but especially the Pentagon—get more time than those whose stories have to be uncovered. No doubt, too, that television (like the rest of the society) was long unaware that the national scene contains black as well as white faces. But changing public policy with relation to Negroes was quickly reflected on the screen—and the consequences of permitting public officials to require such changes are far more frightening than any failings of the newsmen.

Everyone who has ever had personal contact with a story later reported on the air (or in the newspapers) knows how serious these failings are. Even at the network news departments, which are run by very able men, the drive is to get the film rather than to get a firm grip on what is really happening. Trivial drama—even wildly outrageous antics outside courtrooms—too often drowns significance, and producers are too easily convinced that their medium cannot be used to present serious analysis of the historical trends or economic patterns which might give a viewer some notion of what is likely to happen tomorrow—though this is, after all, the important reason for being interested in what happened today.

In short, our newsmen are nowhere near professional enough—neither in public nor in private do they hold themselves to high enough standards. (These days, too, laziness is buttressed by the cynical scholastic Deepthink that says nobody can ever be *wholly* objective—as though that were an excuse for not trying. It's like telling the young surgeon not to worry about washing his hands because some of his patients will die anyway.) The question to be asked of any governmental intervention is whether it helps or hinders the improvement and observance of professional standards. The Fairness Doctrine is reasonable enough as a floor, but it would be a terrible ceiling. In the dreary machinery of a Federal bureau—or the even drearier clashes of humorless fanatics convinced that the only reason others don't agree with them is the domination of the media by their enemies—it could easily become a ceiling.