

FCC Scrutiny Imperils Rights, Stanton Asserts

By William Greider

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The president of CBS television warned yesterday that a Federal Communications Commission trend toward "microscopic investigations" of news content threatens TV's right of free expression under the First Amendment.

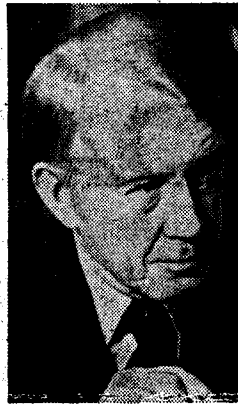
Frank Stanton told a Senate subcommittee examining press freedom that recent cases involving the FCC's "fairness doctrine" represent "over-regulation" that could stifle television coverage of public issues.

As examples, he cited a five-month FCC inquiry into a five-minute CBS news feature on bull fighting to determine whether "equal time" should be granted to those who disagreed with the broadcast's content.

A Miami station, Stanton said, ran afoul of the "fairness doctrine" for its coverage of the legalized gambling issue after the FCC staff "counted the lines of copy devoted to both sides of the issue and apparently relied on the line count in making its decision that the station should have presented more pro-gambling material."

CBS, he said, has been prevented from presenting periodic "Loyal Opposition" broadcasts in which the out-of-power party could respond to the President because the FCC held that the Republican National Committee should get "equal time" to respond to the Democrats—"a reply to a reply," Stanton said.

"The commission," the net-



FRANK STANTON

... fears "over-regulation"

work executive complained, "has engaged in microscopic examination of a licensee's coverage of an issue."

In the past, Stanton said, CBS had no difficulty living with the "fairness doctrine" and the standard of fair play to both sides, but the recent cases are "beginning to impede the free flow of information."

"The prevailing direction today of the commission," Stanton told Sen. Sam Ervin Jr. (D-N.C.), subcommittee chairman, "is getting more and more into areas of the First Amendment where I don't think it belongs."

Ervin asked: "Isn't that the unfortunate thing about government—an insatiable thirst for power and more power?"

Stanton told the senator,

"You're in a better position than I to sit and judge the government's thirst for power."

The CBS president also endorsed a proposal for legislation to shield news reporters from federal subpoenas forcing them to reveal confidential sources and material. However, Stanton, like other witnesses, conceded that the problem of subpoenas from federal grand juries has dropped sharply since Attorney General John Mitchell issued restrictive guidelines in August of last year.

Another witness, Richard J. Barnet, co-director of the Institute for Policy Studies, a private research group in Washington, argued that "public scholars" should be guaranteed the same First Amendment protections as newspaper reporters.

Barnet said that three men associated with the institute's own study of secret policy decisions on the Vietnam war have been subpoenaed by a federal grand jury in Boston investigating the leak of the Pentagon papers, classified documents printed by newspapers in the summer.

One of the three, Leonard Rodberg, has claimed immunity from testifying because of his position on the staff of Sen. Mike Gravel (D-Alaska). But the others, Ralph Stavins and Richard Falk, are contending that their confidential sources are privileged on the same grounds that newsmen have claimed. The institute's bank records were also subpoenaed, Barnet said.