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CBS vs. Congressman Staggers

Chairman Harley Staggers of the House Committee on Interstate and Foreign Commerce has asked Dr. Frank Stanton, president of the Columbia Broadcasting System, to do something which would not enrich the committee and which would leave CBS poor indeed. He is asking the network to bow the head and bend the knee to official authority in a way which would rob it of all status as an independent element of a free press. Dr. Stanton, fortunately, sees the issue with complete clarity; and so he has refused to comply with a subpoena directing him to submit to the committee all the film, scripts and recordings that contributed to a controversial TV documentary produced by CBS last winter, "The Selling of the Pentagon."

Any official, compulsory inquiry into the preparation of a program inescapably diminishes the independence of the medium subjected to it; and, in consequence, it diminishes the usefulness, the effectiveness of that medium. "There can be no doubt in anyone's mind that the First Amendment would bar this subpoena if directed at the editing of a newspaper report, a book or a magazine," Dr. Stanton said. Any editor ought to feel a compelling obligation to resist such a subpoena.

It can be argued that broadcasters are less en-

titled to First Amendment protections than editors of printed material because television stations are licensed by the government in the public interest and may have their licenses revoked if they fail to serve that interest. But this is essentially a foolish argument; for while the Federal Communications Commission must weigh the quality of a broadcaster's performance in granting a license renewal, it must also recognize that independence is the *sine qua non* of that broadcaster's ability to serve the public interest. Fearful broadcasts would be useless broadcasters.

A year ago Congressman Ottinger and Senator McIntyre, with numerous co-sponsors, introduced legislation which would drastically limit the subpoenaing of reporters, as such, from any of the media. It refers specifically to radio and television and would forbid all such subpoenas, whether issued by a grand jury, a court, an agency or department of the federal government or Congress except under very limited circumstances. Until that kind of protection is provided by law or by a more enlightened understanding of First Amendment principles, broadcasters must assert and defend their independence as Dr. Stanton is doing. They will serve the public best by doing so indomitably.