

Move to Cite CBS Appears To Be Killed

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The House yesterday in effect killed a proposal to cite the Columbia Broadcasting System and its president, Frank Stanton, for contempt of Congress for refusing to submit film as ordered by a House subcommittee.

By a vote of 226 to 181, the resolution was recommended to the House Commerce Committee from which it came. Committee Chairman

Harley O. Staggers (D-W.Va.), the most vigorous advocate of citing the network, said he believed the House vote meant the issue was dead. "I don't see how we can bring it up again," he said.

It was the first time in memory that the House had refused to go along with a committee's request for a contempt citation, which if upheld by the courts could bring a \$1,000 fine and one year in jail. It was also the first time that a congressional committee had tried to cite a broadcasting company that refused to comply with an order on grounds that it was protected by the First Amendment's guarantee of freedom of the press.

The House action avoided another constitutional confrontation in the courts between the power of government and the freedom of the press, as occurred in the case of the right of newspapers to publish the secret Pentagon papers.

At issue was the refusal of CBS to give to Staggers' investigating subcommittee unused film shot for its documentary "The Selling of the Pentagon," which criticized the Defense Department for heavy spending on public relations. It was alleged that in editing the film CBS had distorted interviews. Staggers said the subcommittee could determine the facts only if the network gave it the unused film. Stanton refused, saying the film was protected, like reporters' notes, by the

First Amendment.

The Commerce Committee has jurisdiction over communications legislation and the Federal Communications Commission which licenses the broadcast industry to use the public airwaves.

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CBS, From A1

House Democratic leaders, trying to avoid a court confrontation, had tried unsuccessfully for days to persuade Staggers to drop the fight with CBS. Yesterday morning they decided to try to recommend the resolution as a less painful vote than one squarely on the issue.

As they met in Speaker Carl Albert's office, Staggers angrily told reporters that Albert was "conniving" to defeat him.

Albert announced at noon that an effort would be made to send the resolution to the Judiciary Committee for study and a "judicial opinion" of the issue. But this plan was changed later to send it back to Staggers' committee.

Judiciary Committee Chairman Emanuel Celler (D-N.Y.) said the leaders decided it would be an insult to Staggers to take the resolution away from him. Staggers said he told the leaders that if they did that, "I would be up here every day talking about the injustice of it."

Staggers had expected to win easily. But he lost the support of the leaders of both parties, of most liberals who viewed it as a threat to the First Amendment, and of

some conservatives who oppose government control more than they dislike many of the documentaries CBS has broadcast.

Afterward, Staggers said the TV industry conducted the heaviest lobbying campaign on this issue that he had seen in his 22 years in the House. He said one member told him of being contacted by 12 TV representatives.

Staggers told the House the issue was simple. He said Congress had issued a proper

order and had been defied in its search for information it needed to legislate. Put another way, he said, the issue is whether the American people have a right to know whether they are being deceived by TV.

Rep. William Springer (Ill.), senior Republican on the committee, supported Staggers, saying: "We're not talking about the First Amendment. We're talking about fraud and deceit."

But Celler insisted that "the First Amendment towers over

these proceedings like a colossus." He urged the House not to topple this pillar of liberty, saying that while he shared concern about misrepresentation, a free, uninhibited press was more important.

Rep. James Broyhill (R-N.C.) and Rep. Brock Adams (D-Wash.) argued that Staggers had a bad case because his committee already has all the information it needs. The Pentagon gave Staggers entire transcripts of two interviews complained about. But Staggers said there may have been more that were altered.

Rep. Ralph H. Metcalfe (D-Ill.) urged the House to cite the network and vote for "truth in broadcasting." But Rep. John Rhodes (R-Ariz.) said that, while he believed "CBS did distort, a free press has served us well. We should not set ourselves up as an arbiter of the truth."

CBS President Stanton issued a statement last night expressing pleasure with the House vote and adding: "As responsible journalists, we shall continue to do our best to report on public events in a fair and objective manner."