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## Citing CBS: The House Votes No

There are a number of persons who stand to be commended for the part they played in the confrontation between CBS and those members of Congress who wished to overreach their authority to meddle in network affairs and who made the test an effort to cite Dr. Frank Stanton for contempt of Congress. First among these would be Dr. Stanton himself, who properly refused to honor a congressional committee's subpoena of material not used on the documentary program in question—*The Selling of the Pentagon*—and who thereby left himself open to the misguided efforts of Rep. Harley Staggers and others to set the stage for a criminal prosecution. There was also Speaker Albert, who reportedly engaged in some crucial last minute maneuvering to turn the contempt citation effort back. And finally there were those members of the House—a majority, happily—who joined in recommitting the resolution to Mr. Staggers' Commerce Committee. This, in the chairman's own words, has had the effect of killing it. "I don't see how we can bring it up again," he observed.

Apparently no one can remember an incident before when the full House declined to respect a committee's request for a contempt citation. But another precedent was also established in the encounter that was resolved yesterday: never before had a congressional committee attempted to get a contempt citation against broadcasters who invoked the First Amendment as a reason for not complying with a congressional order. So, from the point of view of the issue itself, this amounts to something of a standoff among precedents—the first suggesting that fundamental press rights are viewed by Congress as being of an importance suf-

ficient to override the imperatives of congressional politics, and the other suggesting that impatience with the media as a whole has reached a point where fundamental freedoms may be tossed aside fairly lightly by public officials who are in a mood for revenge.

The outcome, in our view, of the CBS-Congressional conflict has many points in common with the outcome of those court cases in which the administration recently sought to impose prior restraint on those newspapers publishing material from the Pentagon papers. The principal similarity is that the resolution of the conflict—by Congress in one case and by the courts in the other—provided a victory for the press in each case in terms of the immediate conflict at hand, but did so in a way that is hardly any occasion for pealing the tower bells or rejoicing in the clear cut resolution of some basic constitutional challenge. Many of those who voted with the majority in the House to recommit the Commerce Committee handiwork did so for publicly stated reasons that avoided the larger issues involved, fixing on the curious practical circumstances of the citation itself (the key item of the subpoenaed material was already publicly available, for instance), and the very move to recommit, as distinct from a move outright to reject, while guaranteeing more votes against Mr. Staggers resolution, left a certain ambiguity on the record as to congressional sentiment. In other words, CBS's victory, inspires in us pretty much the same emotions we expressed on the occasion of the Supreme Court's ruling in our own case: We are pleased at the outcome. We do not see in it much evidence that the larger confrontation between government and press has been resolved.