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Begging the Question

ONE OF HISTORY's most magisterial put-downs occurred when Boswell, in order to prove a point against religion, asked Dr. Johnson to tell him by what principle Turks were Moslems and Englishmen Christians.

"This now," Dr. Johnson replied, "is such stuff as I used to talk to my mother when I first began to think myself a clever fellow and she ought to have whipt me for it."

That comment provides a useful gloss on the decision by the Congress to kill a contempt citation against the Columbia Broadcasting System. The Congress, far from asserting a principle as so many in the media seem to believe, did just what Dr. Johnson did.

It ducked the issue of principle the better to let the practical realities assert themselves. That is the way the system works best in this country, and it expresses the standard against which all of us should measure our actions.

At first glance the CBS case looked like an utterly clear-cut issue of principle.

THE COMMITTEE on Interstate Commerce, headed by Harley Staggers of West Virginia, was inquiring into the editing and production of a controversial CBS television documentary on Defense Department public relations called "The Selling of the Pentagon."

The inquiry followed expression of displeasure with the documentary by high government officials, including Vice President Spiro T. Agnew. When CBS was cited for contempt after refusing to turn over certain material to the Committee, many people jumped to the conclusion that the Committee was trying to control the media in defiance of the First Amendment.

Emanuel Celler, the hardy civil libertarian who heads the Judiciary Committee,

said in debate: "The First Amendment towers over these proceedings like a colossus..."

But because of the scarcity of channels, the broadcasting industry, unlike the press, is and has to be regulated by Congress. The inquiry into "The Selling of the Pentagon" disclosed certain dubious practices of splicing and cutting. In the

debate, for example, Congressman Wayne Hays of Ohio said he had put to the president of CBS, Dr. Frank Stanton, this question:

"You had your announcer ask a man a question 'What time is it?' and he looked at his watch and he said 'twenty-five minutes to four.' And then you took your announcer off somewhere else and he said 'When did you beat your wife last?' and you spliced in the answer: 'Twenty-five minutes to four.'"

"Do you know what his answer was? He said 'It wasn't that bad.' He said 'We didn't do that deliberately. We didn't make a deliberate lie to an answer, but we did combine some answers and tape parts of answers and use them with a question to which they were not the answer.'"

Moreover, the networks have repeatedly used their claim to First Amendment privilege to fend off congressional regulation in general, and many congressmen were keen to vindicate the congressional right to regulate.

Thus James O'Hara of Michigan, one of the most enlightened men in the House, said: "CBS certainly can broadcast news and opinions as it sees fit, but I do not believe that it can deny the U.S. Congress its right to inquire into the techniques employed or to examine the television tape recordings used in the

broadcast."

In these circumstances, the weighing of rival principles offered no clear guide to the right action. The practical fact was that it was unseeingly, and even ridiculous, for the House to be in a long-drawn-out court fight with CBS on contempt proceedings.

So the House leaders, including Carl Albert and Hale Boggs on the Democratic side and Gerald Ford on the Republican side, came up with a compromise that saved face for everybody. They agreed to send the contempt citation back to Committee. The heavy vote in favor of that procedure in effect killed the contempt proceedings.

THE POINT of all this is not merely that even the Congress occasionally knows what it is doing. The larger

point is that arguments of principle rarely lead anywhere because, as in the case of Boswell's question, they are open to all parties.

The health of the American democracy depends to a large extent on sinking arguments of principle in compromise on political realities. The system works only when all of us show a certain restraint about pressing rights and claims. That means not only private parties and notably those of us in the media. It particularly means government, which can only work its undoing by forcing judicial and political confrontation with important groups of generally well-meaning citizens.

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