

# Congressman Says CBS Is in

By Nick Kotz  
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A House subcommittee chairman indicated yesterday that he will press contempt-of-Congress charges against CBS President Frank Stanton because Stanton refused to give the subcommittee subpoenaed material involved in producing the controversial TV documentary "The Selling of the Pentagon."

"In my opinion, you are now in contempt," said Rep. Harley Stagers (D-W. Va.) after Stanton declined to supply scripts and filmed material (called "outtakes") that were not actually shown on the air.

Stanton said the subcommittee's request violated constitutional protections under the First Amendment and would

have "a chilling effect" on news media.

Stagers is chairman of the House Commerce Committee and of its special subcommittee on Investigations.

If the subcommittee, full committee, and the House successively vote to cite Stanton for contempt, the issue would be referred to the Justice Department for prosecution.

If found guilty by the courts, Stanton could receive a maximum penalty of a \$1,000 fine and one-year jail sentence.

Stagers injected a new element in the controversy by disclosing that an unidentified member of the committee has said he could not vote for a contempt citation because a local TV broadcaster threat-

ened his re-election if he did so.

The subcommittee sought the filmed outtakes to determine the validity of charges that CBS, by its film editing techniques, altered the words and meaning of statements made by two Defense Department officials.

"They (the officials) were made to say things they never said," Stagers said, referring to filmed interviews with Daniel Henkin, deputy assistant secretary of defense, and Marine Col. James A. MacNeil.

Stanton said the program, which explored the Pentagon's publicity practices, was fair and accurate.

Explaining why he refused to turn over the program material, Stanton said: "The com-

pulsory production of evidence for a congressional investigation of this nature abridges the freedom of the press. . . . If newsmen are told that their notes, films and tapes will be subject to compulsory processes so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed."

However, Stagers and other members of his subcommittee insisted that the issue involved not the First Amendment, but the responsibility of Congress to insure that the government-regulated broadcast industry operate in the public interest.

Stagers said network tele-

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Rep. Harley O. Stagers (D-W.Va.) left, and Frank Stanton, president of CBS.

## Contempt

vision has the power "to ruin any President or member of Congress."

Interviews with six members of the 43-member committee produced only one who said he had been contacted by a CBS affiliate.

Rep. William Roy (D-Kans.) said an official of WIBW, the CBS affiliate in Topeka, wrote him opposing the committee's attempts to obtain the documentary materials. Roy said he was not the committee member mentioned by Stagers, and had not made up his mind how he would vote on a contempt charge.

Stagers said, and Stanton did not deny, that CBS had written journalism school professors and others associated with the news media to gain support for its position.