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John P. Roche TV Fairness Is Spotlighthed

WELL, Dr. Frank Stanton of CBS has been spared a trial for contempt of Congress and — unless some security risk at the network leaks the "CBS Papers" — we shall never know exactly how the "Selling of the Pentagon" was put together. As has been suggested here before, this is just as well—there is enough snooping in our society already. And besides CBS has changed its rules, in effect proclaiming that while it is not guilty, it won't again play games with interviews.

Yet, conceding that Harley Staggers' subcommittee went off the reservation in this particular instance, the fact is that the investigators were trying to put a handle on a notably slippery billiard ball: bias and distortion in the presentation of news. And when the networks claim that they are just like newspapers, and have the same constitutional protection, they have gone well beyond the First Amendment as it is generally interpreted. Indeed, the Supreme Court has sustained the right of Congress to require "fairness" from both radio and TV stations.

This is a crucial distinction. Newspapers are private property, and have the right to be as biased as they choose. If you don't like one paper's position, you can always buy another. Radio and TV stations, on the other hand, are utilizing public property — the air waves and channels — and if all you get is the same pitch from all the networks, you can either believe it or turn it off.

To prevent any one viewpoint from dominating these publicly owned media, Congress passed and the Federal Communications Commission is supposed to enforce the "fairness doctrine," which requires

that all sides of controversial questions be presented. And presented fairly: you can't have a university professor representing one side, and the village idiot the other.

THE LEGITIMATE, and constitutional, concern of Congress then is not with such esoteric questions as were raised in the "Selling of the Pentagon," nor should it be with the para-

noidal issue of the political viewpoints of the TV editors or commentators.

It is simply this: Is the news presented fairly? No more, no less. The trouble with this standard is the absence of accepted criteria of fairness and the lack of objective techniques of measurement.

However, a land-mine is shortly going to explode. Miss Edith Efron of "TV Guide" decided back in 1968 that there must be some way of empirically evaluating "fairness" in TV network news. So she got three tape-recorders and had transcribed all the daily prime-time news features on the three networks from Sept. 16 to election eve, Nov. 4, 1968. As issues, she chose the Presidential race and ten associated matters including Vietnam policy, black militants, demonstrators, and the white middle class. She then took this mass of material—over 100,000 words per network—and broke it down in terms of "for" and "against," e.g., Hubert Humphrey, Richard Nixon, George Wallace, or, black militants, or, the war.

WITHOUT GOING into details here, the result is a volume, "The News Twisters" (to be published in September by Nash) that should make quite a stir. It is a devastating indictment of unfairness of treatment by all three networks. Without an independent investigation of her data and methods, it is impossible to issue a final verdict on her charges. But, the point is that she has put a handle on that billiard ball, has provided a prima facie case of private news-management that would bring a true bill from any grand jury in the nation.

In other words, what Miss Efron's charges merit is a thorough, sophisticated and nonpartisan investigation by Congress of the extent to which its stewardship, as set forth in the "fairness doctrine," has been evaded. It might be added that this is not a matter of grinding any special axe—she suggests that the New Left was treated as unfairly as the war in Vietnam!

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