

We had not planned on carrying much further the discussion triggered by that CBS television program, "The Selling of the Pentagon"—almost everybody having had their say, and then some, including ourselves, the networks and a good many congressmen who seem to have enjoyed this aspect of the whole affair as much as they disliked the original program. But the action of Rep. Harley O. Staggers in summoning CBS officials to appear before his committee is so unwarranted and so substantial a threat to the news media of this country that we are obliged to come back to the subject once again.

Mr. Staggers, in his role as chairman of the investigating arm of the House Commerce Committee, has ordered CBS to turn over to that committee not only a film and a transcript of the program itself but also just about everything CBS collected in the process of preparing the program. He wants all the preliminary film, recordings and transcripts used by CBS in getting ready for the program, as well as the names, addresses and fees paid to anyone, other than government officials and regular CBS staff members, who appeared on the program. Apparently in an attempt to demonstrate that his committee is doing more than just reflecting the anger of the Pentagon and Congress over this one program, Mr. Staggers has had a similar order served on NBC in connection with a documentary on the balance of nature.

Frank Stanton, president of CBS, has said that he will provide the committee with a film copy and a written transcript of the program as it appeared on the air and nothing else. We applaud his decision and trust he will stick by it, come what may. CBS deserves to be judged by what it put on the air, not on what it collected and discarded along the way. (Like many others, we have made a judgment about "The Selling of the Pentagon" on that basis. To refresh your memory, we think the program made a substantial contribution in airing an aspect of the Pentagon that sorely needs airing but we thought some of the editing techniques used were open to serious question, mostly because they exposed the show to needless attack. It is remarkable how both defenders and critics of the program have seized on that second point and ignored the first.)

In essence, what Mr. Staggers now wants to do is to sit in judgment, not of the program, but of how CBS operates as a collector and disseminator of information. That, to put it bluntly, is none of his or Congress's business. It is, if we may use an analogy, like demanding that the author of a book produce all his rough drafts, his interview notes, and his correspondence. Or, it is like demanding that the President turn over to Congress all the memos he receives from various government

agencies concerning a proposed speech and all the early drafts of that speech. No congressman, we submit, would be so reckless as to propose either. And any congressman who did would be recognized immediately as one who had no respect for and no understanding of the First Amendment or the internal operations of a large organization.

The demand of Mr. Staggers, of course, is founded on the idea that television is somehow so different from the rest of the information media that the Constitution no longer applies. Since the granting of television licenses is a legitimate function of government, the argument goes, the policing of what appears on television is similarly legitimate. No doubt the government can place restricting limits on certain aspects of television; it does on other news media in terms of the laws concerning such matters as libel, obscenity, theft, extortion or business regulations. But government has no general role to play in policing the gathering and presentation of news material, as such, except to guarantee access for competing points of view on a medium, like television, where physical limitations exist.

It is not difficult to imagine the chilling effects on public affairs programming if the course which Mr. Staggers has suggested is followed. It would mean that any television newsmen who said anything critical about any governmental official could be called on the carpet to explain how he reached that conclusion. The freedom that has marked the television appearances of such diverse figures as William Buckley and the late Edward R. Murrow would be seriously curtailed. Indeed, the final stop on the road down which Mr. Staggers has embarked is complete governmental control of the content of television news and public affairs programs. While that may be the ideal situation for those who think the government always knows best, it is entirely incompatible with a society in which the government is responsive to the people of the country. Perhaps it would be timely to remind Mr. Staggers and any of his colleagues of like mind and inclination of the words of James Madison on the meaning of freedom for the news media in our system:

Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigour of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression . . .