

## Dr. Whitehead and the First Amendment

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The election has come and gone, the cabinet and part of the administration have been reshuffled, but, alas, some things haven't changed. They have only intensified. One of those things is the administration's hostility to free and vigorous journalism particularly as practiced by the television networks. That hostility, evident throughout much of the President's first term, is now to be made operational through legislation currently being prepared for submission early in the next session of Congress. This doleful information was served up in a recent speech by Dr. Clay Whitehead, director of the White House Office of Telecommunications Policy in Indianapolis the other day.

Dr. Whitehead's speech, which underlines the administration's antipathy toward the free and sometimes adversary interplay between government and the press, deserves a bit of careful analysis because his main message is as deceptively packaged as it is dangerous. The clues to the real meaning of the speech were contained in Dr. Whitehead's sharp exposition of the administration's distaste for the content of network news shows. That distaste—foreshadowed with remarkable accuracy by presidential speech writer Patrick Buchanan last May in an interview with Elizabeth Drew—found its most colorful expression in Dr. Whitehead's suggestion that network news shows contain something called "ideological plugola." He went on to describe "so-called professionals" in the TV news business "who confuse sensationalism with sense and who dispense elitist gossip in the guise of news analysis." Now comes the fancy and deceptive packaging. Dr. Whitehead tells us that our First Amendment freedoms are being eroded by all of this and, therefore, the administration has designed some legislation to protect us.

The administration's remedy is to require local network affiliates to undertake more responsibility for what goes on the air. They will be required at license-renewal time to demonstrate that they were "substantially attuned to the needs and interests of the community" they serve . . . "irrespective of where the programs were obtained" and to show that a reasonable opportunity for the "presentation of conflicting views on controversial issues" has been afforded. All of that might seem unexceptional were it not linked both to Dr. Whitehead's extreme dissatisfaction with the news the networks have been providing and to the warning that "station managers and network officials who fail to act to correct imbalance or consistent bias in the network—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable at license renewal time."

The legislative package will come complete with incentives for docile local affiliates. Along with their new responsibility, they would get a couple of breaks they have long wanted: First, the license period will be extended from three to five years; and second, chal-

lenges either by community groups or by a hopeful alternative applicant for the license are to be made more difficult. It is a neat horse trade. The local station owners would be given warm and gentle treatment in exchange for the requirement that they scrutinize the network's news offerings for "bias." At the same time, Dr. Whitehead's colorful language gives them a pretty

good clue as to what kind of "bias" the government will expect them to have eliminated by license renewal time.

All of this reverberates with the echoes of Mr. Buchanan's conversation with Mrs. Drew on public television last spring. He suggested then that the network news operations had developed "an ideological monopoly" over the information the public is receiving, that the views of "middle America" were underrepresented and that perhaps some kind of antitrust approach to network news might have to be developed. The new legislative package, as described by Dr. Whitehead, parallels Mr. Buchanan's views except that it cleverly substitutes indirect encouragement by the government of pressure by local affiliates on the networks for direct intervention by the government. The intervention by the local affiliates has been packaged with three powerful inducements: first, the desire to have their licenses renewed by the government, second, the lessening of FCC control over other aspects of their operations and, third, the local affiliates' own general preference for entertainment rather than public affairs and news material from the networks.

The end result, however, is the same and that is governmental pressure to blunt the critical inquisitiveness of the network news organizations—with the threat of governmental reprisals at the end of the line. Under the pretext of eliminating bias and in the guise of protecting our First Amendment rights, the administration is proposing to set the local affiliates, or failing that, itself up as the ultimate arbiter of the truth to which the public is to be exposed. It is a move that strikes at the very heart of the First Amendment's notion that a people, in order to retain their freedom, must know as much as possible about what their government is doing for or to them and that any interference in this process by the government, however finely motivated towards the elimination of "bias," opens the way for an intolerable suppression of free speech and expression.

That tension is an essential part of our system with which Presidents from the beginning of the republic have been uncomfortable from time to time, but which they have tolerated because of their regard for the freedom of the people they were elected to govern. They understood that a free press meant a press that was free to inquire, free to develop its own professional standards and free to discipline itself. It is clear that

the press does not always live up to the standard which editorial writers sometimes are tempted to ascribe to it. But it is also clear that one man's bias is another man's ultimate truth and that the founding fathers never trusted the government—any American government—to be the arbiter between the two as far as speech is concerned. The essence of press freedom is that professional discipline and consumer pressures constitute the safest corrective devices. The antithesis of press freedom is for those correctives to be supplied by the government.

Those fundamental principles and distinctions seem to have eluded this administration. In its efforts to eliminate the healthy tension between the press and the government—by which truth is more surely pursued than by any other device we have—the administration is endangering not simply the independence of network news organizations, but the fundamental liberties of the citizens of this country as well.