

Burch's Letter Appears to Rebuff Critics of TV

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Special to The New York Times

WASHINGTON, Nov. 21—Dean Burch, the new chairman of the Federal Communications Commission, appeared today to have answered his own doubts about the fairness of television network news and also to have warned the Nixon Administration against further criticism of the media.

Mr. Burch's views, endorsed by a unanimous vote of the seven-member commission, were stated in a letter to a Houston woman who had complained about the network commentaries that followed President Nixon's Nov. 3 speech on Vietnam.

Mr. Burch himself called each of the three major network presidents on Nov. 5, requesting transcripts of their commentators' remarks about the President's address. But in his letter to Mrs. J. R. Paul, he said, in effect, that his inquiry had been unwarranted.

The commission, he wrote, "cannot properly investigate to determine whether an account or analysis of a news commentator is 'biased' or 'true.'"

'The Chill of Censorship'

While Vice President Agnew was expanding his indictment of television and newspapers, Mr. Burch's letter said, "No Government agency can authenticate the news, or should try to do so. Such an attempt would cast the chill of omnipresent government censorship over the newsmen's independence in news judgment."

Mr. Burch previously conceded that his personal request for network transcripts was a departure from the routine staff handling of public complaints. But the response to Mrs. Paul, adopted by the full commission and signed by Mr. Burch, was even more conspicuously a special reaction to the widening discussion of news coverage.

The letter noted that, in addition to complaints of "bias and distortion of news by the television networks," fear had been expressed "regarding possible Government intimidation or censorship of the networks' news operation." Mr. Burch stated that the commission wanted to "use this opportunity" to restate its proper role.

Open Forum on Issues

The fundamental requirement under the commission's "fairness doctrine," he said, is simply that broadcasters must keep their facilities open as forums on controversial issues.

The doctrine does not require that every commentator be neutral, or that every program present both sides of an issue, but rather that broadcasters "devote substantial amounts of time for contrasting viewpoints," he said.

The limit of the commission's authority, he wrote, is to assure that broadcasters air the different sides of a public argument. Beyond that, the commission is "not the arbiter of the 'truth' of a news event," Mr. Burch wrote. He continued:

"Indeed, the drafters of the First Amendment to our Constitution knew that the way to preserve truth was not through government surveillance or censorship (for that government may also be wrong), but by giving all persons with views the freedom to express them."

Mr. Burch noted with em-

phasis that in two recent cases the commission invoked the same limits on its power when Democrats complained of network news coverage.

The commission ruled that neither the coverage of the Democratic National Convention in Chicago last year nor the Columbia Broadcasting System's documentary "Hunger in America" warranted investigations because of allegations of distortion. From the latter decision, Mr. Burch quoted the commission's judgment that the Government's intervention to prove such distortion would likely constitute "a worse danger than the possible rigging itself."

On Capitol Hill today there were mixed reactions to Mr. Agnew's speech last night in Montgomery, Ala., which cited The New York Times and The Washington Post as prime examples of what the Vice President called the "growing monopolization of the voices of public opinion."

Senator Thomas J. Dodd, Democrat of Connecticut, said that a "first-class inquiry" into

the power of the press might be in order. He said that The Times had used its power to overthrow governments friendly to the United States and had brought unfriendly governments to power. He offered no examples.

Senator Mike Mansfield of Montana, the majority leader, rose in the Senate immediately after Mr. Dodd finished and said, "I would hope none of us become so concerned that we feel we couldn't stand the heat once we reached the kitchen."

"I think that the radio, television, news magazines and newspapers have on the whole done a very competent and fair job informing the people just what the issues are," Mr. Mansfield said.

Fred W. Friendly, the Edward R. Murrow Professor of Broadcast Journalism at Columbia University, noted in a California speech this evening that the Democratic Presidents who preceded Mr. Nixon had also been subjected to the immediate, critical analysis by television commentators, of which Mr. Agnew complained.

"The Vice President has forgotten history," said Mr. Friendly, former president of C.B.S. News, "when he criticized the American Broadcasting Company's journalistic enterprise in arranging for Ambassador Harriman to participate in the broadcast that followed Mr. Nixon's speech on Nov. 3.

"I don't think President Kennedy rejoiced in having Senator Homer Capehart, an Indiana Republican, critique his Berlin crisis speech of 1961, or Ladd Plumley, president of the National Chamber of Commerce, pursuing him after his controversial 1962 speech on the state of the economy."

"How many times," Mr. Friendly asked, "did President Johnson have to listen to the cutting remarks of Minority Leaders Dirksen and Ford? It was all part of the democratic process."

"After all," he said, "the President had prime time on all three networks and a small measure of counterfire from the loyal opposition was hardly stacking the deck."