

The Unfairness Doctrine

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—Freedom of Information Committee,
American Society of Newspaper Editors.

By JAMES RESTON

WASHINGTON, April 13—The American Society of Newspaper Editors is in Washington again for its annual skull practice, and this year it has some serious questions to discuss, for all news reporters and editors—radio and television even more than newspaper—are under mounting pressure from all branches of the Government and from the public as well.

In the last year the Defense Department has gone beyond the normal regulations on battlefield reporting to censor the news on the war in Laos and limit access to the primary areas of combat. Also, as the editors' Freedom of Information Committee charged in its annual report: "Never has the subpoena been used as viciously, as irresponsibly and as often against freedom of the press as it has this [past] year."

Reporters and editors in radio and television have had even more difficult problems, for while the newspapers usually have the protection of the freedom of the press amendment to the Constitution in the courts, the networks and their affiliated stations are licensed by a Government which has the power to impose its notion of "fair reporting" by threatening to withdraw a station's license.

The threats, of course, are always oblique. Thus, in recent weeks, Vice President Agnew has not only been running a campaign against the Columbia Broadcasting System's program on the Defense Department's propaganda apparatus ("The Selling of the Pentagon") and demanding the right to edit his own copy on the subject over the C.B.S. network, but the investigations subcommittee of the House Interstate and Foreign Commerce Committee has subpoenaed C.B.S. to produce all its notes and unused film and disbursements of money on the Pentagon program.

These are issues—the radio and television as well as the newspaper subpoenas—that deserve more attention from the newspaper editors than they have been getting. Newspaper editors howl like a scalded dog whenever any Government official asks to see their reporters' notes or questions their news judgment—and quite right, too—but they are comparatively quiet when the Vice President or committees of the Congress demand the same thing of the radio and television reporters.

This double standard could use a little more examination from the newspaper editors here this week. The basic assumption of the First Amendment was that the people in a democratic society had a better chance to get a fair presentation of the news from a multitude of free reporters than from reporters regulated by the Government.

The Founding Fathers had no illusions about the infallibility of the press. Their comments about our stupidity, inaccuracy and bias make Spiro

Agnew's sound almost genial. But they were persuaded that the risks of freedom were less than the risks of legal strictures or Government control, and it is hard to argue that this protection for the newspaper reporters should not now be guaranteed to the radio and television stations, which now supply a majority of the American people with their first reports of the news.

There is, of course, nothing wrong with the Vice President complaining publicly about bias in the press and the radio and television. As he is constantly pointing out, he has his freedom of speech too, and since major newspapers select about 100,000 words a day out of almost two million, it would be remarkable if there was not an argument about whether the selection and front-page presentation were "fair."

The difference is that newspaper editors can tell the complaining Vice President or the members of the House Investigations subcommittee to go climb the Washington Monument and the radio and TV editors are not quite so free. They are under Government license. They use "the people's airwaves" (as if the newspapers didn't use the people's streets and interstate highways), and they operate under different rules.

They must submit to an official "fairness doctrine," which is a Government and not a professional journalist's standard. It is enforced, or is at least under threat of being enforced, by a Government licensing agency. The radio and TV people must answer when the F.C.C. inquiries are made, and truth is not necessarily a defense.

It is ironic that the F.C.C.'s "fairness doctrine" was intended to assure precisely that, but everything depends on who is deciding what is "fair," and the guess here is that the Founding Fathers would still bet on Walter Cronkite rather than on Mr. Agnew.

Nevertheless, the public reaction to all this is clearly divided. The people have heard all the arguments between Government and press, and it is fairly obvious that their confidence is not unbounded in either institution.

Part of this is due to the fact that the newspaper, radio and television editors have not been very good at self-criticism, or in establishing an effective "fairness doctrine" of their own, which is why there is so much public criticism of reporting, and why there is now so much talk of establishing some kind of local and national news council machinery to review the record of the papers and stations.

No doubt there will be much discussion of these issues in Washington this week, particularly the newspaper side of the question, but the immediate threat of Government pressure and influence is on radio and television, and if their freedom is impaired, even the freedom of the printed press is not likely to be unaffected.