

## Committee Probe

# CBS Defies a Subpoena

Washington

CBS declined yesterday to provide a congressional investigating panel with material that was not broadcast which was subpoenaed in connection with "The Selling of the Pentagon." The network voluntarily furnished all that actually was used in the documentary, however.

Chairman Harley O. Staggers of the House Commerce Committee's special investigating subcommittee then released a lengthy statement saying the purpose of the inquiry is to see whether TV producers are engaging in "factually false and mislead-

ing filming and editing practices."

At the request of CBS, he said he is giving the network ten days to consider his position before any further action would be taken in the case — such as the possibility of seeking a contempt of Congress citation.

### MEETING

Staggers made the statement after a closed, two-hour meeting with representatives of NBC and CBS as a result of subpoenas for documentary materials issued April 7 by his special investigations subcommittee.

Robert V. Evans, vice president and general coun-

sel for CBS, told subcommittee members that their subpoena for all the documentary material "raises fundamental constitutional issues as to whether journalistic news judgment can be subjected to legislative surveillance."

Evans added that "the threat posed by the subcommittee's investigation may already be working its chilling effect upon journalists throughout the land."

### TRANSCRIPT

NBC complied with its subpoena for a film copy and transcript of "Say Goodbye," a program dealing with preservation of endangered spec-

ies of wildlife. The program is alleged to show a hunter killing a mother bear when in fact the bear was brought down with a tranquilizer gun.

"The sole question under inquiry here is one which is clear, definite and objectively ascertainable," said Staggers. "That is, are the producers of television news documentary programs engaging in factually false and misleading filming and editing practices, consisting of rearranging, staging or misrepresenting events, giving viewers an erroneous impression that what they are seeing has really happened, or that it happened in the way and under circumstan-

ces in which it is shown."

Staggers told newsmen he was reserving judgment whether documentary materials were protected by First Amendment guarantees of freedom of speech. But, he said, "I would say there is a difference between a newspaper reporter and a television reporter in that the air waves are public."

A.P. & U.P.

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