Burch, Johnson Deny F.C.C. Interferes With News

By CHRISTOPHER LYDON
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WASHINGTON, Oct. 20 — Dean Burch, a Republican is chairman of the Federal communications Commission, and Nicholas Johnson, his frequently dissenting colleague who is a Democrat, joined forces today in rejecting the broadcasting industry's charge that the commission interfered with news programing.

The two commissioners appeared before Senator Sam J. Ervin Jr., Democrat of North Carolina, and the Senate Subcommittee on Constitutional Rights in hearings on press freedom in which network executives had earlier charged the commission with intimidation and harassment.

Referring to suggestions by Dr. Frank Stanton, president of the Columbia Broadcasting System, that the commission had threatened subtly to act on Vice President Agnew's criticism of the news media, Mr. Burch said, "Really, I am a bit disgusted that Dr. Stanton keeps bringing up this conspiracy theory, because it simply won't wash.

"The theory goes like this. The Vice President says something and the F.C.C. will move in and do the dirty work by taking away licenses or whatever. The only thing wrong with the theory is that it's false and Dr. Stanton knows it's false."

Court Ruling Cited

Mr. Burch said that the United States Court of Appeals here had recently extended the notion of "fairness" in broadcasting to support a right of reply to commercials for leaded gasoline and high-powered cars — a move that Mr. Burch said could eventually shatter the financial base of the broacasting industry.

United Press International

Dean Burch, F.C.C. chairman, speaking yesterday at Senate subcommittee hearing on press freedom.

But in the realm of news, as opposed to advertising, Mr. Burch insisted that the broadcasters could not complain of interference. In disputes over the accuracy and fairness of the news, he said, the commission has almost always upheld the networks and has gone out of its way to avoid becoming the "national arbiter of truth."

In a number of cases that aroused angry reaction in Congress, Mr. Burch said, the commission purposely refused to adopt the role of journalism's judge.

Included in the cases he mentioned were network coverage of the Democratic National Convention in 1968 and documentaries of the Columbia Broadcasting System on "Hunger in America" and "The Selling of the Pentagon."

The commission "will not try to establish news distortion," he said, "in situations where Government intervention would constitute a worse danger than the possible rigging itself."

Mr. Johnson said, "one of the series of F.C.C. decisions of which I am proudest is our steadfast refusal to discipline the networks in any way in response to charges of distortion in news and documentaries."

Friendly Is Quoted

The real danger of censorship today comes not from Government but the broadcasters, Mr. Johnson said. He quoted the testimony of Fred Friendly, a former president of C.B.S. News, at the same hearings a week ago that "I perceive very little F.C.C. meddling in newsroom activities. The chilling hand that concerns me more is the corporate concern for maximizing profits."

Mr. Johnson continued: "It is the broadcaster himself who censors—censors in the name of saving money, censors in the name of currying favor with advertisers, politicians or others whose predilections he would rather not offend."

Mr. Johnson and Mr. Burch both defended the ommission's "fairness doctrine," much criticized recently, that requires broadcasters to balance their coverage of controversial issues and give advocates a chance to state their positions directly.

The Supreme Court has put it "beyond dispute," Mr. Burch said, that the fairness doctrine, rather than interfering with broadcasters' free speech under the First Amendment to the Constitution, upholds the right of the people as a whole to the free use of Public airwaves.

Basic Difference Seen

In this respect, there is a fundamental difference, Mr. Burch and Mr. Johnson agreed, between broadcasting stations and newspapers that justifies a degree of regulation over radio and television that would be abhorrent in the printed media.

Broadcasters have argued that the scarcity of space on the radio spectrum on which the theory of regulation rests no longer holds when there are in fact fewer daily newspapers than there are radio and TV outlets. But Mr. Burch observed that broadcasters need exclusive Government licenses to get on the air, whereas "no one will stop you from putting out a newspaper."

Mr. Johnson argued the same point.

"No Government license is required to publish or write," he said. "There is nothing comparable in broadcasting to the growth of the underground press or of suburban newspapers—and indeed there could not be.

"Entry into broadcasting requires Governmental permission to use a public resource, and htis fact totally distinguishes broadcasting from newspapers."