

Pressing Down

A Commentary

By Nicholas von Hoffman

At a moment when most people believe that the media has gotten the government off its back, the communications industry is in deep trouble with the courts, the Justice Department and the Federal Communications Commission. CBS has gone so far as to say that the department is executing an "unlawful plan to use the power and machinery of the federal government to restrain, intimidate and inhibit criticism" of the administration.

Whether or not you want to go that far, publishers and broadcasters are being forced to spend such huge amounts of money in litigation that, win or lose, they may decide that risking disapproval in Washington is too expensive.

The CIA for the first time in our history has succeeded in getting a court to place a prior restraint on the publication of a book. Written by Victor Marchetti and John Marks, former employees of the CIA and State Department, respectively, the printing of "The CIA and The Cult of Intelligence" has been held up for so many months it may have lost much of its timeliness and commercial value. That's nothing compared to what has had to be spent on legal fees fighting the case. The president of Random House, Robert Bernstein, says he's going to get the book out one way or another, even if that means printing it with blank spaces indicating the hundreds of cuts ordered by the government censors.

Equally pernicious is a Florida Supreme Court order requiring the Miami Herald to give a failed local politician who was rejected by the voters equal time in replying to an article critical of him. If the government can tell the papers what they must print, who needs censorship?

In another case not long ago, the nine Supremes refused to hear the appeal of two Baton Rouge reporters who were fined \$300 each for violating a federal judge's order forbidding the media to cover a civil rights trial in his court room. The 5th Circuit struck down the ruling as unconstitutional but decreed that the reporters should have obeyed it anyhow.

It's not just the hired hands in the media that the government is going after. In Milwaukee, St. Louis

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and Des Moines, the government is trying to force newspapers to surrender ownership of local radio and television stations. However bad the public policy is to allow such concentration of media ownership in a given city, it is small potatoes compared to the concentration of ownership and power in the banks, public utilities, extraction and manufacturing industries. A Justice Department that gives ITT and the Chase Manhattan bank a pass on antitrust and then flings its might at the Des Moines Register lays itself open to the charge of malicious prosecution.

The television people are fighting off government encroachment from a dozen directions. NBC is currently attempting to overthrow an FCC ruling requiring the network to do a program in favor of the way many workers are robbed, defrauded and cheated out of their pensions. This is to make up for a documentary in which NBC showed many workers are robbed, defrauded and cheated out of their pensions.

At another level is the government effort to prohibit the networks from producing their own entertainment shows. CBS has called it harassment and intimidation. If it isn't, then it is a White House attempt to satisfy union pressure to create more jobs for actors and stage hands.

The best estimates indicate that networks don't produce more than about a quarter of the entertainment shows, but their executives say what they do produce helps defray the overhead for money-losing coverage of news spectaculars such as space shots and the funerals of prominent politicians.

The FCC is also in the midst of promulgating yet another of its endless sets of rules. These would prescribe amounts of time that stations and networks would have to give over to up-lift broadcasting of kiddie programs, documentaries or some form of "public service" blather that most people will refuse to watch.

None of this is a defense of the crud which clutters up the channels every night. Most of it is awful, but if you think it's bad, let's appropriate money so that the gang at the FCC, the Justice Department and the White House enragees along with the liberal reformer-regulators can set up their own network, and then let's compare audience ratings. Which would you prefer, the NBC Mystery Movie or Pat Buchanan and the Unbiased Nightly News?

As matters are now, media executives, editors, producers and directors are learning their principal work is the practice of law in the defense of their business. Let's hope they don't decide it's cheaper not to fight.

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