

WJ
Hoff

April 7, 1970

MEMORANDUM FOR JEB MAGRUDER

Following our telephone conversation the other day, I checked further into the possibilities of amending the legislation making it illegal to fly a kite in the District of Columbia. I find the following: The National Park Service has no concern about the matter. The D. C. Government appears not to be terribly concerned but did submit draft legislation in August 1969 suggesting the provision be struck out. H.R. 16476 was introduced on March 16, 1970, by Congressman Andrew Jacobs (Democrat, Indiana), House District Committee, striking out the provisions of the act forbidding kite flying.

In summary, there seems to be no substantive reason why the provision should not be repealed, and no political problems in suggesting repeal. On the other hand, the issue is not likely to go anywhere without intervention on our part. Accordingly, I reiterate my suggestion that we consider a Presidential Message asking for repeal, possibly either submitting our own legislation or endorsing Mr. Jacobs' legislation. I would be glad to help if you think this idea has merit.

Clay T. Whitehead
Special Assistant to the President

cc: Mr. Whitehead
Central Files

CTWhitehead:jm

Thursday 4/2/70

1:00

I called the National Park Service regarding the law about the flying of kites in D. C.

Mr. Buschman called me back. The law is:

(D. C. Code, Section 22-1117 -- 1951 edition of D. C. Code)

"It shall not be lawful for any person or persons to set up or fly any kite, or set up or fly any fire balloon or parachute in or upon or over any street, avenue, alley, open space, public enclosure, or square within the limits of Washington under a penalty of not more than \$10 for each and every offense."

The law was passed by Congress and would also apply to open spaces which the Park Service administers.

343 4747

Friday 4/3/70

2:45

I called Mr. Elmer Buschman, National Park Service, and found out the following about the law regarding kite flying in D.C.

The law was passed in July 29, 1892 and amended February 11, 1895

As for why the law was passed, he said there probably wasn't any record of why -- that it was one of many criminal statutes passed on the same day in 1892 in the same Act -- such as (1) playing games in the streets, (2) unlawful assembly, (3) throwing stones, (4) allowing dangerous dogs go at large, etc. He said it was probably passed because at that time someone was having a problem and so they passed a statute to prevent it.

I asked him if the Park Service might oppose repealing the provision pertaining to kites. He said it is a D. C. Government statute and not a Park Service statute; that it was passed by Congress for D.C. and they honor it; and that it would be a matter that would be primarily the interest of the D.C. Government.

Court Test Leaves D.C. Ban On Kite-Flying Still in Air

The 1892 law that prohibits kite-flying in Washington survived its first court test yesterday when U.S. District Court Judge George L. Hart Jr. refused to grant a preliminary injunction against one measure.

"The reason for this law may have long since disappeared," Hart said. "Yet it is up to Congress to repeal it. Your remedy lies with Congress and not with the courts."

The ruling came in a suit brought by Frederick Schwartz Jr., a local lawyer who described himself as the

owner of a box kite, an Indian fighter kite and a regular kite. He had asked permission to fly them on the Mall.

A bill to allow kite-flying has been added as a rider to the Senate's omnibus crime bill for Washington, now in conference. A separate House measure has been proposed.

Government sources reported yesterday that Interior Secretary Walter J. Hickel is preparing a statement urging Congress to repeal the anti kite law as quickly as possible.

The sources said that Hickel is concerned about the way

the law has been challenged—and enforced—in recent weeks. A total of 15 persons have been arrested near the Washington Monument in the past two weeks for flying kites.

Schwartz's argument yesterday was based on the congressional debates at the turn of the 20th century, when the bill against Kite-flying was enacted. Later, the National Park Service was given "exclusive control" of area parks.

The lawyer contended that Congress had at first not intended to prevent kite-flying on park lands and later turned over authority on the issue to the National Park Service. Hart rejected both arguments, saying he saw "nothing ambiguous about the law."

One ambiguity, however, apparently does remain. Schwartz told a reporter after the hearing that Hart's ruling would apply only to the relatively small area of the District of Columbia that was settled prior to 1871.

To determine whether the judge has, in effect, made kite-flying legal elsewhere in Washington, someone can test the law by flying a kite there.

May 20, 1969

CTW
Personal

ACTIVE PROJECTS -- CTW

Cape Keraudren

Proposal dropped by private interests and therefore by
AEC and Australia
\$ $\frac{1}{2}$ million in FY 70 budget to study similar ventures in Australia
Summary memorandum received from BOB on economic/technical
aspects and forwarded to NSC; will be relevant if a new
proposal is received

Uranium enrichment

Seven-agency task force underway; NSSM issued; AD. Little
report received 5/21
Joint Committee nervous, but hopefully appeased by being
more closely informed
Jack Rosen of AEC detailed to McCracken for one month on 5/21

Maritime policy

WH working group (Navy, OSD, Mar. Ad., Labor, NSC, State,
BOB, Treasury, OEP) stalemated pending Mar. Ad. proposal;
narrative sections of report proceeding
Industry/unions/Congress waiting for WH initiative
Plan for memo to President in June or July
Short-term staff on loan from DOD and Mar. Ad.
Watching maritime labor problem (strike date June 15)

Oceanography

Monitoring Wenk (Marine Sciences Council staff director),
who is looking at specific proposals
Reply sent to VP; meeting with VP soon

INTELSAT

Scranton doing very well, working closely with me to hold
delegation in line (COMSAT, State, DTM, FCC are principals)
Questionable aspects of old U.S. position about rectified
Planning strategy/positions/fallbacks for June 13 meeting of
Conference planning group
Scranton on first of two trips to Europe

Domestic satellite

FCC unlikely to act this year (issue has been before them since 1965) and unlikely to be able to act decisively -- no sense of direction and inability to formulate policy issues on their merits

All parts of industry getting annoyed; COMSAT pushing hard Administration initiative desirable - should have recommendation by June 1 -- still hard to get decent staff work done Spoke with Hyde to let him know of Administration interest

National Communications System

Amalgamated agency systems brought together as a result of Cuban missile fiasco; Sec. Def. is "Executive Agent" with responsibilities delegated to ASD (Admin.)

Almost no progress; no authority short of President

GAO report -- mostly critical - to be released in June

Looking into what can be done; should have Admin. initiative by June 1, if possible; tied to general organizational issues (below) and to replacement of O'Connell

Soon will suggest redraft of O'Connell letter on annual report

Rostow Report

Released 5/20 by letter to Congressman James Broyhill; no further action

Organization for communications

Wide agreement that something needs to be done, especially in regard to NCS, spectrum allocation, and regulatory policy

Now fragmented and ossified

Subject of unreleased BOB report

Looking into what can be done; related to NCS issue above and same time frame

Future space program

Following Space Task Group (VP, DuBridge, Seamans, Paine) work through DuBridge and Vice President

Still nervous about completeness and budget implications; still plan to follow more closely but haven't had time to do so.

Report due September 1.

International science projects

Several big money possibilities fall into cracks between State, OST, and BOB; little incentive now for AEC or NASA to push
Possible major initiative for Administration
Still looking into what can be done; Weston nuclear accelerator sharing in issue for FY 71 budget process (September deadline)
Talked to BOB and will see OST and State; insufficient time so far

Canadian commercial satellite launch

President and Trudeau discussed
DTM and COMSAT disagree with State recommendation that we provide bilateral launch services, but FCC and Justice support, DTM overridden.
President approved bilateral launch via either NASA or COMSAT

Oil import study

Beginning to read in more as study gets underway.
Will monitor substance; report due in October

Public Broadcasting

Senate hearings April 30; Corporation (CPB) authorization of \$20 million by Senate
BOB recommending \$10 million; one-year authorization; and moving CPB from HEW budget to independent status
Long-term financing is big issue; working with BOB and industry to get some decent ideas. Hard to do.

National Science Foundation

Long history of weak leadership and lack of clear role
New statutory positions at top and upgrading of Director to level III; also new annual authorization hearings will focus attention on how agency is run
Doing nothing

AEC underground testing

Pitzer Panel Report leaves open possibility of test-stimulated earthquakes

Howard Hughes upset and causing some concern and publicity

Can expect pressure on WH prior to next big test in June

Working with AEC and OST and will have WH response ready when and if trouble arises -- probably early June

BOTH SIDES OF DEBATE OVER TELEVISION NEWS

Sharp controversy has been sparked across the nation by a recent White House proposal to make big changes in the licensing of TV stations—yet exactly what is involved is little understood by much of the public.

Just what is it that the Administration wants? How would the legislation affect TV programming, especially network news coverage? How much "bias" is there in broadcast reporting of news events? Do famous television news-

casters insert their own viewpoints while they are on the air?

For answers to questions such as these, members of the staff of "U. S. News & World Report" interviewed two experts in the field. One, Clay T. Whitehead, is Director of President Nixon's Office of Telecommunications Policy. The other is Fred W. Friendly, for many years a CBS News executive, and now a professor of journalism at Columbia University.

WHAT GOVERNMENT PROPOSES

Interview With Clay T. Whitehead, Director, White House Office of Telecommunications Policy

Q Dr. Whitehead, can you spell out exactly what it is the White House is proposing in the field of television that seems to be getting so much attention?

A We are going to ask Congress to change the rules governing the process of renewing licenses for local television stations. Among other things, we believe they ought to be paying more attention to exercising their responsibility, on a voluntary basis, for what appears on TV in their communities. They're responsible for everything they transmit, from news to entertainment, whether it's locally produced or from the networks.

Q Why has the proposal stirred such controversy?

A It was stirred principally by the initial reaction of the press that this responsibility of the broadcast-station owner was something new, something sinister that we were trying to impose. That was compounded by the fact that many people in the print media don't understand the current extent and the problems of broadcasting regulation that we have today.

We think that in this very important field of television the responsibility for programming ought to come voluntarily from the people who head the stations.

The problem is that, over the years, a concept has evolved in network television that the news department should be insulated from its management. Well, organizations shouldn't



—USN&WR Photo

Clay T. Whitehead, 34, is the first Director of the White House Office of Telecommunications Policy, and serves as an adviser on TV to President Nixon. Dr. Whitehead formerly taught at the Massachusetts Institute of Technology, and was on the staff of the RAND Corporation.



—USN&WR Photo

Monitoring a network news program.

Dr. Whitehead: "Stations ought to pay more attention to exercising responsibility for what appears on TV."

Mr. Friendly: "The Administration wants broadcasting a sterile form in which no news analysis can take place."

be that insulated from checks and balances. If they are insulated from the Government, their management, their advertisers and their viewers, to whom do they answer?

I think that is an intolerable circumstance. News and public affairs ought to be presented as fairly and impartially as is humanly possible. That's what present regulations of the "fairness doctrine"—requiring broadcasters to present both sides of an issue—are all about.

Q If the machinery for regulation already exists, why did you have to draw up a new proposal?

A Because there have been problems developing in the license-renewal process. There are only so many frequencies around for radio or television broadcasting, and the decision was made early in the century that allocation of those frequencies was best done by the Federal Government.

Congress passed the Communications Act in 1934 that laid out the general policy and the framework under which this would be done. It set up the Federal Communications Commission to make those frequency assignments. Individual people around the country are licensed by the Commission to operate their television or radio transmitters, and they have the responsibility for what is transmitted over that facility.

The license term has traditionally been three years—that's in the law right now—and the concept was that the man who took out this license also asserted that he would undertake to program that channel or that radio frequency in a way that reflected the needs and interests of the local community that he was going to serve.

So you can see that the Federal Government has a balancing problem on its hands:

On the one hand, the First Amendment to the Constitution says that we can't abridge the right of free speech and

free press, and that certainly should apply in broadcasting. On the other hand, if people in an area aren't happy with how a television-station license is serving them, the Government has to listen to them and determine whether or not they have a case. How are you going to evaluate the station except through a look at what it programs?

There's a dilemma there.

Q Haven't people always had the right to appeal to the Government during license hearings?

A That's correct, and they've been using it more and more. That's where the problem comes. As television and radio become more pervasive and more controversial, more and more people are complaining to the FCC. The FCC has been trying to walk this fine line between the rights of the broadcaster and the rights of the listening public.

An instability has developed in the license process, so that a broadcaster today doesn't know what the criteria are by which he's going to be judged. The process whereby the FCC has been evaluating these complaints and these competing applications has gotten out of control. No one understands it, and no one knows how to bring it back into control and make it rational under existing law.

So we've introduced our legislation. It would do several things. It would extend the license term from three years to five years, so that the broadcaster would have to go through this ordeal a little less often. Correspondingly, the FCC could devote more time to studying the situation every time it has to review one of these cases.

We're also saying that the FCC shouldn't be able to use all this uncertainty to impose on the broadcaster its own ideas of what's good programming, and that it should confine

(continued on next page)

DEBATE OVER TELEVISION NEWS

[Interviews continued from preceding page]

itself to judging how seriously the broadcaster is serving his community in terms of the people's needs and interests.

Q Is there any thought of regulating the networks themselves?

A They are regulated indirectly by the FCC right now, because each network owns five television stations.

There have been many proposals that we license the networks directly and regulate them directly. They dominate the television programming in this country. Ninety per cent of the prime-time viewing on television is network programming.

Q Would you recommend direct control of the networks?

A No. We would like to take a different approach. We think that it's bad to have too many governmental controls over the media of expression. We'd like to see the First Amendment interpreted just as literally as we can. That means that there should be a firm separation between Government and the media.

The question is: How do you do that in broadcasting? We prefer to see the responsibility for exerting checks and balances within the broadcasting system come from within the system itself rather than from Washington. If networks were licensed directly, it would amount to a federal sanction of the power of the networks and use of the very heavy hand of Government to offset that power.

That's too much involvement. The Federal Government would have to regulate too much detail, and it would invite great contests of power between Washington and the networks. We think that would be bad.

Q Under your proposal, will licensees be judged to a great extent on the number of complaints made to the FCC by people of the community?

A That's a simplification, but that's certainly part of the idea. It recognizes that people in Dubuque, for example, probably have different programming interests from the people of New York City.

Q What would prevent an organized group of people with a special interest from carrying more than their weight in a protest against a licensee?

A Common sense and judgment on the part of the FCC and by the courts.

The FCC, under our proposal, would be charged with making the determination of whether or not a licensee had served the public interest. One of the things that they would have to do is perform a screening process, making sure that a very vocal minority didn't dominate the proceedings.

CENSORSHIP? "NO BASIS" FOR CHARGE—

Q Your critics say that your proposal would lead to censorship or manipulation of network news. What's your reaction to that?

A I see no basis for that criticism whatsoever. There should be no change in network news resulting from our legislation. However, I would hope some change would result from our calling on the local station managers to pay more attention to the network programs that they carry.

I want to say at this point I don't think anybody should expect that each and every issue can be balanced on a simple second-by-second basis. If it were, it would certainly result in over-all programming that was very drab. But the total effect of a network's programming, over a long period of time, should be balanced.

I would also hope the effect would be to change children's programming. There are lots of problems and discontent around the country about the quality of children's shows and some of the values that are being imparted to children on television, particularly Saturday-morning television.

It would be a hornets' nest if we tried to make determina-

tions here in Washington in the bureaucracy about what our children should see. But someone has to make that decision, and we think it ought to be done voluntarily by the industry.

Q Critics also say that your proposal is not going to get anywhere in Congress, and that you're essentially trying to scare the networks—

A On the contrary, I think there is a strong probability that our legislation will get some backing. I think it will have very solid, enthusiastic support by the broadcasting industry. I find it hard to see how the critics will be able to reconcile that strong support from the industry with a charge of censorship by us. I'm very hopeful that all three television networks will support our legislation.

Q What is it about the presentation of news by networks that you find offensive?

A There isn't any one thing, except perhaps the unwillingness to be professional. There is an unwillingness by some broadcasters to indulge in self-criticism. I am thinking now about all of television news. I think we have a right to expect from television journalism the highest standards of professional journalism.

Q Do you find network news slanted against the Administration?

A I don't know that I am equipped to judge that.

I am not trying to stimulate a debate about whether network news is biased or not, or whether it's biased for or against this Administration. I'm simply trying to say that we have to have a change in the broadcast law to reduce some of the opportunities that the Government now has for controlling television news and other programs.

Q What is going to happen if broadcasters don't make the changes voluntarily?

A If they don't change voluntarily and are irresponsible to the point that their public loses confidence in them, then the public has no recourse but to induce the Government to bring about some changes. Those could include the lifting of licenses of individual stations.

BENEFITS OF MORE COMPETITION—

Q Do you find a general discontent among the public across the country with television today?

A Yes. I think it is always going to be the fate of television to have general public discontent as long as we have so few channels and so few networks.

Q You mentioned some time ago that you would like to see a fourth commercial TV network created. How would you encourage this?

A That's been studied for a long time—how to create conditions that could lead to competitive fourth, fifth, sixth or any number of commercial-television networks.

I think everyone agrees the public would be better served if there could be ways to get more competition and choice for the viewer.

But the Government doesn't want to set this up.

There have been attempts at this in the past. They haven't worked for reasons having to do with the monopoly power of the existing three television networks and the limited number of television stations in each community.

You have to look at the problem on a wide front to see what can be done—consider such steps as increasing the number of stations in each city, and study, for instance, the effects of the new domestic communication satellites that will go into operation next year. After that, the cost of setting up a network will be considerably reduced. It might be possible, for example, to have a network that existed only for an hour or two an evening.

More importantly, cable TV is coming along rapidly, and if Government policy is handled properly, this would be of tremendous benefit to the public by bringing new programs—and not just rebroadcasting old ones—and making possible new networks.

GOVERNMENT PLAN: "CHILLING"

Interview With Fred W. Friendly, Professor of Journalism, Columbia University

Q Mr. Friendly, what do you think of the recent White House proposal concerning network television?

A I regard it as a proposal to narrow the parameters under which broadcast journalism operates and to make it more difficult for broadcasters to do news analysis and documentaries.

I think what has been proposed is chilling. The problem is that three different elements have been combined in a single package. Criticism from the White House—there is nothing wrong with that. Brandishing the "fairness doctrine"—that a station has to allow opposing views on important public questions—is all right, too. Threatening license revocation is also all right. But when all three of these things are linked together in an attack from the executive branch of Government, obviously with the President's knowledge and permission, then it does not bode well.

Q Would the proposals, as some critics charge, lead to censorship of news by the U. S. Government?

A Not necessarily. It is simply part of a long-term effort by this Administration to minimize the strength of broadcast journalism.

A year ago, the White House was saying to noncommercial public television, which was still finding itself: "You don't need to do news and public affairs. The commercial networks do it very well." Now it is saying the commercial-network news programs are plagued by "ideological plugola" and "elitist gossip." What you hear now is: "You local stations ought to do it, and act as a controlling influence on the commercial networks."

Let's ask how that would work:

Each of the networks has about 180 to 200 affiliates. How are they going to control the Walter Cronkite news program, or the programs of Harry Reasoner and Howard K. Smith or John Chancellor? Obviously, they can't.

The highest office in the land says: "If you will keep the networks in line or not carry those programs, we will give you your license virtually in perpetuity." It's an attempt to defuse those programs. The White House is implying: "You make those programs bland, and we'll make it possible for you to keep your license."

This has been a progressive attack by the Administration, first against public broadcasting and then against network news. Eventually it will be the turn of the local stations. What the White House wants to do is to take broadcast journalism out of journalism.

I happen to take great pride in what broadcast journalism has accomplished in and after World War II, when Edward R. Murrow, Elmer Davis and Raymond Swing were all functioning in a different atmosphere. I don't want to see it all return to the Dark Ages that I remember in the early '30s, when there really was no such thing as broadcast journalism—just information conveyors.



—USN&WR Photo

Fred W. Friendly, 57, former president of CBS News, is an adviser on television to the Ford Foundation and Edward R. Murrow professor at the Graduate School of Journalism of Columbia University. He is the author of a book, "Due to Circumstances Beyond Our Control . . ."

The Administration wants to make broadcasting a sterile form in which no aggressive investigative journalism and news analysis can take place.

Q Do you think the White House proposal will be enacted by Congress?

A I don't think so. I've never talked to anybody who thought there was a chance of it.

The Administration knows that this isn't going to be passed by Congress. It realizes, however, that this is a great chance to dramatize the situation and to get their message across to the stations. The White House is saying: "You'd better be careful or you're going to be in trouble with the Federal Government, and what we're asking you to do is take care of the network news departments for us."

What American democracy is all about is a multitude of tongues, and they correct for each other. Of course, the press makes errors. But the press, at its best or its worst, is hardly a match for the influence of the White House. Does anyone really believe that Walter Cronkite or Harry Reasoner, or public television or anybody else can compete with the power of the Presidency? The election returns proved that the press—which Mr. Nixon thought handled him so unfairly in 1962 [when Mr. Nixon was an unsuccessful candidate for Governor of California]—doesn't make that much difference. In the end, it's the public that is going to decide what is fair.

Q Do you think there is much bias in TV news?

A I don't believe there's any intended bias.

I think from time to time everybody errs, and I think that anyone would be a fool who says that there is not occasionally some unfairness in all journalism. It's inherent. Occasionally, journalism—including broadcast journalism—is unfair. But I think journalists are more fair than unfair to a President—any President—because of the very nature of the presidential office.

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DEBATE OVER TELEVISION NEWS

[interviews continued from preceding page]

I don't know of any broadcast journalists working for any news organizations who don't try very hard to be fair, and I think they succeed most of the time.

Sometimes they are too fair. A friend of mine who is a Republican politician says: "Sure, occasionally I get mauled, but look at all the times I don't get mauled when I should have been mauled. Think of all the times when the press has been too fair to me. Think of all the times when I've made mistakes the press either didn't hear about them, or didn't report very well."

Q Do famous TV personalities sometimes abuse the right to state their own personal views on the air?

A I think not. In the early days of radio, there used to be a few broadcasters who really used to sell their views, and who were in the business of being both reporters and editorialists.

That doesn't go on now. I could count on my hand the number of times when Walter Cronkite has given a personal opinion.

I don't think that any broadcasters that I know of in network news abuse that right. They try not to. I remember once Dwight Eisenhower walked over to me when Cronkite and the former President were doing an interview, and President Eisenhower said to me: "What are Cronkite's politics?" I said: "I don't know, Mr. President. Why do you ask?" It was right in the middle of the Bay of Pigs incident [abortive effort to invade Cuba in 1961] and he said: "Well, I've just been letting off steam about the Kennedys, and Walter seems to be a little embarrassed. Is he a Kennedy man?" I said: "I don't know, Mr. President. My guess is that, like all good journalists, he's about 51 per cent against all politicians."

That's a pretty healthy way to be. I don't think you should be 70 per cent, because that makes you not only a skeptic but a cynic, and I think cynicism is one of the deadly sins of journalism.

People such as Howard Smith, Walter Cronkite and John Chancellor take their duties very seriously. They know that because they have a microphone and a camera and can speak around the curvature of the earth and to far corners of the country they have a special responsibility. That responsibility is not to impose their views on the public, but to report and to try to make them understand all the salients of the story.

BROADCASTERS' SPECIAL OBLIGATION—

Q Professor Friendly, is there any difference between "freedom of the press" and "freedom of broadcasting"? Does Government licensing of broadcasting stations imply that they should remain as impartial as possible on controversial subjects?

A I think everybody should remain as impartial as possible—good newspapers, good radio stations and good television stations. But there is a difference between the printed press and broadcasting, which is why I'm for the fairness doctrine.

The First Amendment to the Constitution—which establishes freedom of speech and the press—allows all men to have equal opportunity to make their views known.

With the advent of radio and television, some people have suddenly been given a much louder voice than others.

That doesn't nullify the First Amendment. But it makes it vital that those who occupy the air waves do it with a sense of fairness. Broadcasters have an obligation to be as fair as they can and to make sure that all sides of major issues are represented.

I consider the fairness doctrine an essential "additive" to the First Amendment. It makes sense. I would say that that

is the only difference between print and broadcast journalism. Some broadcasters have for years knocked the fairness doctrine, which was based on the assumption that, in the open marketplace of ideas, all voices would compete with equal tools. The limitations of the electromagnetic spectrum required some kind of equalizing measure for these Government-granted monopolies. The reason they attack it is because they think it means they have to give more time to news and public affairs. They feel that if they put on a documentary and it makes lots of sparks, they will have to give additional air time to other views, and that that will be at the expense of revenue-producing programs.

Q Is noncommercial TV—which you mentioned earlier—becoming too controversial? How much control should the U. S. Government exercise over public TV?

A I don't think it should exercise any control—if your question excludes the FCC, which is an independent regulatory agency—any more than the British Government exercises over the British Broadcasting Corporation. The BBC is an independent organization which gets its funding under its royal charter, with long-range decisions made by Parliament. Parliament and the Prime Minister have nothing to do with the day-to-day running of the BBC. The BBC is not controlled, and public television should not be controlled by the Government. It ought to get some of its funding from insulated congressional appropriation. Public television ought to be at least as free as commercial television.

NOW: "THE SUPREME IRONY"—

Q Some critics of television claim that TV is getting worse, over all, every year. Is this true?

A I'm afraid it is. Over all, TV is getting worse.

That brings us to the Achilles' heel of broadcasting. Just at the time that broadcast journalism and broadcasting in general need a public constituency to support them from attacks, that constituency is probably less willing to do anything about the situation than it used to be.

When Ed Murrow took a stand against the late Senator Joseph McCarthy in a broadcast in 1954, we at the Columbia Broadcasting System received 100,000 letters and telegrams in a six-day period, and there were many other manifestations of public opinion.

I'm not sure that the public is able or willing to articulate its faith in broadcasting to that degree today, partly because broadcasting has not made enough progress since those days. Lots of thinking people feel that too much of the time the broadcasters are just in pursuit of the buck.

So when broadcasters come to a point like this when they need people to rally around them, the public support is not so forthcoming because people are not sure, for example, that their children are watching what they should be watching on television. They're quite conscious of the fact that there isn't enough drama and enough serious performing arts. They question whether broadcasting itself is a serious endeavor—as, in fact, I do.

Sadly enough, it is the broadcast news department—the one element of broadcasting which has tried to keep its promise and which has pursued excellence—that is being attacked.

In broadcast journalism's hour of need—when it should have a public constituency to fight for it as the people did in the days of Murrow and "See It Now"—that loyalty may not be there because most of what people see on television today is an assault to their sense of values.

Seven years ago, when I left CBS, I said sadly that "television makes so much money doing its worst that often it can't afford to do its best." Now the supreme irony is that further crippling limitations are being placed on its most essential commodity—news and public affairs—and by the executive branch of Government itself, which should be asking for more, not less, journalism.