

January 18, 1972

MEMORANDUM FOR MR. PETER FLANIGAN

Senator Sam J. Ervin, Jr., Chairman of the Senate Subcommittee on Constitutional Rights has invited me to testify before his Subcommittee on Wednesday morning, February 2, 1972. Senator Ervin has asked me for my views on "the Administration's policy toward the public broadcasting system" and the potential of cable television and its possible impact on first amendment considerations

As I am sure you will remember, Senator Ervin began his hearings on the broadcast and printed press and their relationship to the first amendment last October. During the first set of hearings, which received considerable public attention, the following testified: Dean Burch and Nicholas Johnson, Frank Stanton and Walter Cronkite, Julian Goodman and David Brinkley, Fred Friendly, Congressman Ogden Reid, a representative of the New York Times, two working journalists from Nebraska, broadcasting representatives from North Carolina, and various professors who discussed both the history of the first amendment and the Fairness Doctrine as it now relates to the broadcasting industry. Senator Ervin has asked several members of the White House staff to testify including Herb Klein, Fred Malek, and Chuck Colson. All have declined invoking executive privilege. RNC Chairman, Dole, was asked and declined. Attorney General, John Mitchell, declined but suggested the Committee hear from Assistant Attorney General, William Rehnquist. Ervin turned him down as not being sufficiently authoritative.

I have discussed this request with Clark MacGregor's office. They find no objection and feel it would be difficult to turn them down because it's not possible for me to invoke executive privilege. I have been assured by Senator Hruska's staff that both Senator Ervin and Senator Hruska do not expect, and will not ask, me to answer questions concerning the several instances regarding this Administration and freedom of the press. If we accept Senator Ervin's invitation, it will be necessary for us to sort out within the White House our position on the Fairness Doctrine, but I think that this is important and now would be a good time.

Clay T. Whitehead

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cc: DO Records  
DO Chron  
Mansur  
Whitehead 2 ✓  
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