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## Report by the National News Council, Inc.

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REPORT BY

**The National News Council**

APRIL 1974

REPORT BY

## The National News Council

Eight months ago, on August 1, 1973, The National News Council opened its doors for business.

Established as a private and independent institution, the Council's purpose was stated clearly and succinctly in its papers of incorporation:

"To serve the public interest in preserving freedom of communication and advancing accurate and fair reporting of news."

What follows on these pages is the Council's first report of its activities to the public it was established to serve. It is an interim report which we feel deserves the attention of a thoughtful public for at least two reasons:

It records in summary form eight months of work marked by issues often of controversial interest.

It looks back on those eight months and seeks to make lucid the main difficulties encountered, some of which have been overcome, many of which remain unresolved.

The Council began as an experiment. Indeed, in its By-Laws provision is made that at its third annual meeting an independent evaluation committee be established to measure its performance and report within one year its recommendations to the Council, and to the public, whether or not the experiment has been successful.

It would be impossible, at this point in the Council's brief history, to make such an evaluation. Too little evidence is in hand. What can be done, however, is to present the evidence that is in hand; to evaluate that evidence, and to form some judgments as to the direction the Council is taking.

The need today for an organization devoted to make press freedom more secure by providing an independent forum for debate about media performance is greater than it was a year ago, when it was announced that the Council had been established. The need is greater today than it was when the Twentieth Century Fund, in 1971, established a Task Force to examine whether or not a "press council" could serve a useful purpose.

We are witnessing today an almost constant battering away at media credibility. Criticism of media performance is coming from many quarters, by no means the least of which is from Washington and an Administration constantly on the attack against media credibility.

Such criticism has succeeded in creating in large segments of the public mind a feeling, and often a belief, that media performance is inaccurate and unfair and consequently, in its view, irresponsible. And the success of such criticism is creating an atmosphere in which repression of the media is becoming a harsh reality. The Government is moving in.

Look at the record:

Myriads of subpoenas and contempt citations against reporters and news organizations, antitrust suits, harassment of TV scheduling procedures, threats to license renewals, "trial balloon" suggestions regarding the production of television programs, the jailing of reporters, the barring of reporters from hearings which should be public, suits involving access and equal space, as well as equal time, proposals that would strip away one of the news media's principal shields against libel suits by public officials or public figures.

The media today is undergoing a crisis of confidence. But whether or not the public agrees with what it reads, hears and sees is not, and never should be, the criterion for measuring that confidence. That criterion is, and must be, public belief that what it reads, hears and sees is accurate and fair.

No matter how much time and effort the media devotes to talking with each other, or with the public, about its "inviolable First Amendment rights," those rights are endangered when the public believes, rightly or wrongly, that these criteria—accuracy and fairness—are being denigrated.

The attacks against the media which we are seeing today, and have seen for the past few years, are aimed primarily at these criteria.

It was because of these criteria that the National News Council was established. It cannot be said too often and too emphatically that the Council's sole purpose is "to serve the public interest in preserving freedom of communication and advancing fair and accurate reporting of news."

There is a sharp difference between regulation and ventilation. The Government regulates. The media can ventilate, can take steps on its own to correct its sins of commission, to deal with its readers, hearers and viewers in a manner that is responsive.

The National News Council is but an extension of this ventilation process; nothing more. In being such an extension, it serves not only a free press, but a free society.

The National News Council cannot regulate. It has no legal powers. The only power that it has is the power inherent in making public its findings.

Patiently, during these past eight months, the Council has progressed from the business involved in opening bare-floored offices to a careful conduct of its business in being.

The Council is examining complaints. It is examining them with great care, mindful that some will be filed to "use" the Council. Frequently, the complaints are inconsequential, frequently non-substantive, frequently non-qualifying under the Council's Rules of Procedure, frequently concerned solely with disagreement with what someone read, heard or saw. And frequently the complaints are concerned with accuracy and fairness.

The Council is conducting a major study, and shortly will issue a report on the vital and volatile questions involved in access to the media, questions deeply concerned with freedom of the press.

The mechanism for carrying out the Council's purposes is by no means perfect. Undoubtedly, as with any human agency, it has erred. But who could foresee what the flaws would be before the Council even started to function?

The Council is able to endure the "slings and arrows" of criticism. From its beginning it expected that. And, it has received its fair measure of it knowing that respect will come only when performance justifies it.

What the Council cannot endure is the ignominy of thoughtless criticism and of indifference on the part of those it serves.

The Council suggests that in this regard, the media is no different.

## Complaints to The National News Council

*“ . . . to advance accurate and fair reporting of news . . . ”*

Since August 1, the National News Council has received 160 complaints. Of these 28 have been specific enough to be taken up by the full Council. Thirteen of these concerned network broadcasts, eight concerned news syndicates, three wire services, three newspapers, and one news magazine.

Under Council procedures, all complaints are referred immediately to the organization against whom the complaint is being made. This is done in order to assure that the organization complained against has every opportunity to respond to the complainant's charges and, hopefully, to settle them.

A brief description of the 28 complaints taken up by the Council, and of actions taken by the Council regarding these complaints through March 31, follows.

**COMPLAINT:** Mobil Oil Corp. has charged ABC-TV with “vicious, inaccurate, irresponsible and biased” reporting in the presentation on March 20, 1974, of the ABC-TV News “Close-Up” special: “Oil: The Policy Crisis.”

**ACTION:** Determination deferred pending further study and investigation. The Mobil Oil Corp. has informed ABC-TV that it is preparing specifics of its charges. The Council has asked Mobil and ABC-TV to provide it with copies of relevant correspondence.

**COMPLAINT:** Rep. John Ashbrook (R-Ohio) has asked the Council to examine the complaint of United States Ambassador to South Vietnam, Graham Martin, that a report written by New York Times writer David K. Shipler on the U.S. aid program in South Vietnam “contained numerous inaccuracies and half truths,” and that it was “propaganda under the guise of investigative reporting.” The Shipler report was published in the Times on February 25, 1974, and syndicated by the New York Times News Service. Ambassador Martin's charges were contained in a cable sent by him to the Secretary of State and the Secretary of Defense. Copies of the cable were made available to the press and to members of Congress.

**ACTION:** Determination deferred pending further study and investigation. The Council has informed the New York Times News Service that it is in receipt of Rep. John Ashbrook's complaint. The Council is studying the content of Ambassador Martin's cable.

**COMPLAINT:** Accuracy in Media (AIM), a Washington-based media monitoring organization, has charged that a report written by New York Times writer John Finney, concerning the possible lasting effects of the use of chemical herbicides by the United States in Vietnam was “misleading and inaccurate” and was inconsistent with the findings contained in a report by the National Academy of Sciences, from which the Times material purportedly was drawn. The Times report was published on February 22 and was syndicated by the New York Times News Service.

**ACTION:** Determination deferred pending further study and investigation. The Council has informed the New York Times News Service that it is in receipt of AIM's complaint. The Council will seek scientific assistance in comparing the Academy's report and the New York Times News Service report.

**COMPLAINT:** Mrs. Thomas J. Donovan of Vancouver, Wash., complained that pro-abortion forces had been given better coverage than anti-abortion forces in a series of articles on the abortion issue by Jack Webb of the Copley News Service.

**ACTION:** Complaint dismissed. The series of articles in question fairly presented the opposing points of view.

**COMPLAINT:** Howard Snow, of Charlotte, N.C., complained that the Charlotte (N.C.) News would not publish his letter to the editor "as is," without cutting.

**ACTION:** Complaint dismissed. The complaint concerned a newspaper published on a local basis and therefore did not come within the Council's purview. However, the Council did advise Mr. Snow that it believes editors have every right to "edit" letters to the editor, so long as such editing does not distort the sense or meaning of the writers. The suggestion was made that if Mr. Snow does not want his letters to the editor cut, he should make it clear that this should be a condition of publication—"as is," or "not at all."

**COMPLAINT:** Mrs. Virginia Van Liew, of Des Moines, Iowa, complained that NBC News reported that Spiro Agnew, after resigning from the Vice Presidency, was living a simpler life when, actually, according to a newspaper story she read later, he was continuing to receive "some of the more costly amenities of the office." She said "I suspect there is some sloppy reporting somewhere."

**ACTION:** Complaint dismissed; NBC report not misleading or "sloppy." NBC was profiling Mr. Agnew's life style, which had changed. It was not reporting on the government spending aspects of his new situation. On the following week, NBC did report on governmental costs in connection with Mr. Agnew's affairs.

**COMPLAINT:** T. G. Cote, of Phoenix, Ariz., questioned a statement by Tom Braden in his syndicated column, appearing in the Arizona Republic (Los Angeles Times/Washington Post News Service) that "... people who worked for them (TV networks and newspapers) lost jobs or were taken off camera or told they weren't objective whenever they were critical of the administration."

**ACTION:** Determination deferred pending further study and investigation. In response to a Council request that names of those involved be provided as evidence to support his statement, Mr. Braden refused, saying that "Naming their names to you or anyone else would not be helpful and I shall not do so." Mr. Braden has agreed to appear before the Council to defend his thesis that confidentiality of sources is involved, a thesis which the Council is pledged to respect. In dispute is whether confidentiality of sources is involved in supplying the names of those referred to by Mr. Braden.

**COMPLAINT:** Horace P. Rowley III, of New York City, complained that a "Black Journal" program distributed by the Corporation for Public Broadcasting on the Public Broadcasting Service network, had been one-sided in support of housing to be built by a black group in a white neighborhood in Newark, N.J. Mr. Rowley cited a clause in the Public Broadcasting Act that requires "objectivity and balance in all programs" supported by the Corporation.

**ACTION:** Determination deferred pending further hearings and study. The Council's Grievance Committee has begun its first public hearing on this charge, with the appearance of Mr. Rowley at its meeting on March 25 in New York City. It plans to hear from the Corporation for Public Broadcasting, from Channel 13—WNET in New York—and from those involved in producing the show at a continuation of this hearing.

**COMPLAINT:** Accuracy in Media (AIM) complained that Newsweek magazine, in its issue dated October 8, 1973, had overstated the number of bodies received and processed by the Santiago, Chile, morgue during the fourteen day period immediately following the uprising that brought down the Allende regime. The Newsweek story said that 2,796 bodies had been processed "by the fourteenth day following the coup, which began on September 11, 1973." AIM quoted a New York Times report that "the morgue had processed exactly that number from January 1 to September 21." The Times, according to AIM, said that 476 bodies with bullet wounds were processed from September 11 to October 3. Later, according to AIM, the Chilean Embassy in Washington confirmed the Times' figure.

**ACTION:** Determination deferred pending further study and investigation. In response to a letter to Hernan Cubillos, President of El Mercurio, a newspaper published in Santiago, the Council was informed that 2,796 bodies had been received by the morgue from January 1 until September 21, 1973. During the entire year of 1973, the morgue received 4,101 bodies, an average of 341 a month. Newsweek has been invited to respond to this disparity in numbers, after which the Council will issue its determination.

**COMPLAINT:** Carl E. Anderson, of Troutdale, Ore., complained that the three national networks, by reporting indicated outcomes of elections before the polls in his state were closed had influenced his vote in national elections. He asked that such reporting be stopped.

**ACTION:** Complaint dismissed. Mr. Anderson's complaint concerns a problem raised many times during and after recent national elections. It is, however, a problem that involves legislative and administrative actions, beyond the purview of the Council.

**COMPLAINT:** Warren F. Kelley, of North Andover, Mass., complained that the Associated Press and other news outlets often linked violence with mental illness in casual ways that indicated that all mental patients or former mental patients might be dangerous. Thus, he said, the public may become apprehensive about anyone who seeks psychiatric advice.

**ACTION:** Complaint dismissed. The complaint was general in nature and, therefore, the Council, under its Rules of Procedure, could not take it under consideration. The problem referred to, however, is one that might be considered as part of a future study.

**COMPLAINT:** Mrs. William B. Gardner, of Riverside, Calif., complained that the Associated Press reported throughout the day on December 13, 1973, that, based on a report issued by the Federal Energy Office, that office was cutting back gasoline production by 25 per cent, whereas, in fact, the actual cutback was only 5 per cent.

**ACTION:** Complaint dismissed. The Federal Energy Office, in consequence of questioning and prodding of the press, discovered that it had made a mistake in announcing the 25 per cent figure and issued a correction on the same day, which was reported by the Associated Press.

**COMPLAINT:** A. Wood Hardin, of Louisville, Ky., complained that Dan Rather of CBS News had said that the military alert called by President Nixon the week of October 22 was not necessary, but had been prompted by a desire by the President to cover up his other problems.

**ACTION:** Complaint dismissed. Council checked CBS script involved and ascertained that Mr. Rather had not offered such an opinion as his own. In fact, the Council pointed out, "Mr. Rather said that the White House Press Office declared that the President was not using the military alert to cover up domestic problems and that those close to the President were 'furious' over the implication that he had done so."

**COMPLAINT:** Accuracy in Media (AIM) complained that Eric Sevareid, in a CBS news commentary on September 12, 1973, had, in noting a report by Alexander Solzhenitsyn, incorrectly criticized the Soviet writer for his statement that the United States press had played up the My Lai massacre while paying little attention to similar killings in Hue by the North Vietnamese. Sevareid said that the Hue killings had been reported on "heavily," and AIM attempted to document a case that such coverage had not been "heavy."

**ACTION:** Complaint dismissed. The Council concluded that the complaint of AIM against Mr. Sevareid over the use of the word "heavily," resting as it does on a subjective interpretation of that word—as to which reasonable persons may have varying opinions—was not an appropriate subject for a hearing and finding.

**COMPLAINT:** William G. Howe, of Schenectady, N.Y., complained about NBC News coverage of an anti-abortion rally. He said that NBC, on January 22, had ignored a large demonstration in Washington, D.C., against abortion, but had chosen instead to show a demonstration in Philadelphia. There, he said, NBC used only the words of Cardinal Krol, "thus perpetuating the myth that the anti-abortion stance is solely Roman Catholic." He considered this a "biased" presentation.

**ACTION:** Complaint dismissed. No misstatements of fact were involved. NBC was within the range of editorial judgment in its coverage and selection of news in connection with this matter.

**COMPLAINT:** Andrew Aguilar of New York City complained to The New York Times regarding an advertisement for an art gallery which showed a sleeping Mexican on a burro, along with copy that said "Mañana y Mañana." The Times itself referred Mr. Aguilar's complaint to the advertiser, who did respond. Mr. Aguilar had declared that such advertising "degrades Americans of Mexican descent." A copy of his complaint was forwarded to the Council.

**ACTION:** Council referred complaint to National Advertising Review Board. Council's Freedom of the Press Committee is to establish policy for Council's future handling of complaints dealing with advertising matters.

**COMPLAINT:** Gene DeVaux, of Raytown, Mo., complained about statements in a column by Anthony Lewis carried by the New York Times News Service and appearing in The Kansas City Times of February 19. He charged that Mr. Lewis had abused freedom of speech by making a number of serious accusations against President Nixon without permitting him equal space to reply.

**ACTION:** Complaint dismissed. The column by Mr. Lewis appeared, and appears frequently, on an "Op-Ed" page (opposite the editorial page) used regularly for the publication of opinions. The expression of editorial opinion is beyond the Council's purview, except in cases where errors of fact are under consideration. The Council indicated future interest in considering the subject of identification of opinion columns in some clear manner that would prevent such opinions from being confused with news stories.

**COMPLAINT:** Kenneth L. Rossman, of Athens, Ga., complained that NBC-TV News, in covering the visit of President Nixon to Huntsville, Ala., on February 18 to take part in "Honor America Day" observances there, stated that local Federal workers were given the day off to see the President. Actually, he said, the day was a National holiday and the workers were off by an Act of Congress. Mr. Rossman further complained that in the following news item NBC reported a call for impeachment by George Meany, head of the AFL-CIO, "obviously designed to negate the positive aspects of the President's visit."



- ACTION:** Determination deferred pending further study and investigation. A transcript of the program shows that NBC was in error as to the reason why Federal workers were off on February 18. The Council has asked NBC News if it is aware of the error and, if so, what action it has taken to inform its viewers and listeners of the error. Regarding NBC's reporting of Mr. Meany's statement unfavorable to Mr. Nixon, the Council finds that the placement of that story is within the range of editorial judgment. It notes a tendency of network news shows to place frequently favorable and unfavorable stories about a given subject in such order, even though the stories may not be of equal importance.
- COMPLAINT:** M. B. Schnapper, Editor of Public Affairs Press, Washington, D.C., complained that articles written about Presidential tax deductions for gifts of official papers have been "grossly irresponsible" because they failed to explain how the writers arrived at the conclusion that such gifts were made legally. He contends that no law has ever authorized any public official to take tax deductions on gifts of official papers. His complaint was directed against the Associated Press and United Press International.
- ACTION:** Complaint dismissed. Although the complainant's legal contention may be valid, the Council concluded that it should not expand its purview in this case to determine what is newsworthy, in view of the substantial coverage afforded this subject. The Council's investigation included the preparation of a position paper on the legal points involved by a member of the faculty of the New York University Law School. These legal points were made available to the complainant and to the news agencies complained against.
- COMPLAINT:** Robert A. Edwards, of Gaithersburg, Md., complained that executives of the Mutual Broadcasting System had ordered its news correspondents and producers to cover and air reports on a luncheon co-sponsored by MBS and the Chevrolet Division of General Motors for the naming of a "Black College All-American Football Team for 1973." This, Mr. Edwards charged, was not news, but a promotional effort by MBS and Chevrolet.
- ACTION:** Determination deferred. Council requested the Chevrolet Division of General Motors to provide material regarding any part it may have had in the airing of the news item in question. A public hearing is contemplated following receipt of this material.
- COMPLAINT:** Richard N. Thayer, of Cleveland Heights, Ohio, complained that John Hart of CBS News had presented a partisan view on January 3 of how some militant Indians judged the Wounded Knee case and their general role in today's society. He said that both sides were not presented, and that such presentations should have been labeled opinion, rather than news.
- ACTION:** Complaint dismissed. The CBS News report was adequately presented as opinion and the decision of CBS to report the matter as it did was within the range of editorial judgment.
- COMPLAINT:** Mrs. Mary Gaumont, of Bowie, Md., complained that the placement of news in the Washington Star-News in a specific instance showed bias against the Nixon administration. The instance she cited was this: An item containing praise of President Nixon for his handling of the Mideast truce was placed on an inside back page, while a story critical of Mr. Nixon on his taxes and Watergate and the effect these issues might have on the race for Vice President Ford's old Congressional seat was placed on page one.
- ACTION:** Complaint dismissed. It concerns a local newspaper and therefore does not fall within Council's purview. In any event, the placement of news stories, however and wherever it occurs, is a matter within editors' discretion and judgment.

**COMPLAINT:** Alphonse E. Champagne, of Torrence, Calif., cited several items that indicated to him that the press was biased against the Nixon Administration. In two instances, he said, NBC News stated that Spiro Agnew had been convicted of a felony, rather than that he had pleaded no contest (nolo contendere) to the charge. He objected to the use by television news of information contained in the President's tax returns. And he said the media was biased in reporting campaign contributions of Howard Hughes to the Committee to Re-Elect the President, while downplaying reports that Hughes had also contributed to the campaigns of Hubert Humphrey and the late Robert Kennedy.

**ACTION:** Complaint dismissed. NBC had in fact indicated that Mr. Agnew had pleaded nolo contendere. President Nixon had in fact volunteered information about his tax returns, and it was within the discretion of news organizations to report the Howard Hughes stories as they had.

**COMPLAINT:** Ms. Elizabeth Teter, of Wausaw, Wisc., contended that the managers of Network television were after power. "The TV hierarchy," she said, "attempt to manipulate the minds of its viewers." One way they do this, she suggested, is through instant analysis of political speeches. She believes that instant analysis should be eliminated.

**ACTION:** Complaint referred to Council's Committee on Freedom of the Press.

**COMPLAINT:** C. T. Budny, of Woodbury, N.J., complained that an Agency France-Press story which appeared in The Philadelphia Inquirer had asserted, without adequate substantiation, that a man had died from drinking too much carrot juice. That could not be, Mr. Budny said, "I have been drinking one, two, or three, or even as much as four quarts of carrot juice at times daily," he said, "and have never had any but beneficial health."

**ACTION:** Determination deferred pending further study and investigation. Council wrote to The Philadelphia Inquirer suggesting that its nutritionist might be able to assist in a response to Mr. Budny's complaint.

**COMPLAINT:** Theodore W. Johnson, press secretary for Senator Mike Gravel (Dem., Alaska), informed the Council of a story distributed by Capital Hill News Service in which the Senator was listed among the "least effective" Senators. The story was based on a poll conducted by CHNS among legislative assistants of the Senators. Mr. Johnson said he thought the methodology of the poll was "highly suspect" and that he and the Senator would seriously consider making an official request to the Council to consider it.

**ACTION:** Determination deferred pending a response from Mr. Johnson. He was advised that, if the Senator wished to file a formal complaint, the Council would investigate it.

**COMPLAINT:** Joseph Behr, of Danbury, Conn., complained about an NBC News item of January 22 concerning Secretary of State Henry Kissinger. NBC reported, in a 15-second item on its network news broadcast, that Secretary Kissinger had told two high-ranking Israeli ministers he believed that President Nixon would leave office within the next six months. Mr. Behr charged that there was no substantiation by NBC for such a report, and that it might have harmed Administration efforts to resolve the Arab-Israeli conflict.

**ACTION:** Determination deferred pending further study and investigation. Council asked NBC News if it could substantiate the report. A transcript of the broadcast reveals that NBC newsman, Garrick Utley, included in his report a statement that Secretary Kissinger had called the report an "outrageous lie."

**COMPLAINT:** T. B. Cote of Phoenix, Ariz., complained that in a column by Charles Bartlett, which was syndicated nationally by Publishers Hall Syndicate, and which appeared in the October 10, 1973, Arizona Republic, there were factual errors concerning receipt of material in the investigation of former Vice President Spiro T. Agnew.

**ACTION:** Complaint dismissed. The complaint centered on certain material relevant to the investigation of Mr. Agnew published previously by the Wall Street Journal and previously broadcast by the CBS radio network. Mr. Bartlett's column accurately represented the report made by the Wall Street Journal and by CBS Radio. In the course of its investigation, the Council affirmed to the Wall Street Journal its pledged position that it respects confidentiality of sources.

## Complaints Handled by Council's Staff

The Council's staff screens every complaint received. Some are eliminated because they are not within the Council's purview. Others contain unduly broad generalities. Some are unsigned or lack return addresses. A few are unintelligible, sometimes crudely mimeographed. And some complaints are settled before Council action is required. A sampling of complaints received and of action taken by the Council's staff follows:

**COMPLAINT:** Chicago Gay Alliance complained that the AP and UPI had sensationalized the homosexual aspects of the murder of 27 boys in Houston. The Alliance said the stories implied a causal relationship between the homosexuality of the accused killer and the homicides.

**ACTION:** By letter dated September 6, 1973, the Chicago Gay Alliance was informed that, following its direct complaints to AP and UPI, the Council would be willing to consider a formal complaint on the evidence submitted. No further word has been received.

**COMPLAINT:** Seymour Chazin, of Highland Park, Ill., contended that an NBC News sampling of reaction to a Presidential speech on Watergate indicated that five of the six persons interviewed agreed with the President that we should get on with other business of the nation and leave Watergate to the courts. Mr. Chazin said this distorted the view shown by the national polls.

**ACTION:** Complaint dismissed. The Council informed Mr. Chazin that if NBC News did not give him a satisfactory answer within 30 days, it would take up his complaint. Mr. Chazin forwarded a response from Bob Mulholland of NBC stating that the interviews in no way were meant or represented to be a statistically accurate reaction to the President's speech. With no further word from Mr. Chazin, the matter was closed and the complaint was dismissed.

**COMPLAINT:** Ron Ross, treasurer of the Howell for Governor Committee for Northern Virginia, complained that Frank McGee, on the NBC "Today" show of November 6, 1973, had stated that Lt. Gov. Henry Howell, a candidate for governor in the election held that day, favored busing. This was not Howell's position, Ross said. He queried the Council informally regarding a complaint, claiming that the statement adversely influenced many Virginia voters against Howell.

**ACTION:** Mr. Ross was informed that a direct complaint would have to be sent to NBC before it could be acted on by the Council. No further word has been received from Mr. Ross.

**COMPLAINT:** The American Medical Association complained that NBC had made derogatory comments about the medical profession in its documentary "What Price Health?" While the complaint was being processed by the staff, NBC agreed to the appearance of an AMA spokesman on its "Today" show to rebut contentions in the documentary.

**ACTION:** Council advised AMA that, in view of the fact that negotiations between the AMA and NBC appeared to have resolved the dispute, it considered the matter settled.

**COMPLAINT:** Mrs. Howard Hoelter, of Springfield, Ill., complained, in a letter dated August 20, 1973, that she had heard a CBS radio news reporter end his dispatch from Chile, during the uprising against Allende, with the statement that he was broadcasting from "Chile, the most democratic nation in South America." She charged CBS News with biased reporting.

- ACTION:** Complaint dismissed. Council referred complaint to Richard Salant, President of CBS News. Mr. Salant wrote to Mrs. Hoelter and, after declaring that "such a statement would be completely contrary" to CBS News policy, he went on to say: "I am completely confident that, as happens to all of us from time to time, your ears play tricks on you. I simply do not believe that any statement like that which you attributed to us was made." No further word has been received from Mrs. Hoelter.
- COMPLAINT:** Accuracy in Media (AIM) complained that a New York Times editorial had stated that the greatest part of the International Development Association's funds had been allocated to Indochina. AIM said this was incorrect. The Times published a correction, stating that the biggest IDA beneficiary was India. AIM asserted the correction was not given sufficient prominence.
- ACTION:** Complaint dismissed. Council informed AIM that, as a matter of policy, it does not believe that it should enter into the manner in which a newspaper chooses to publish its correction. It pointed out that the main theses of the editorial—namely, that the United States was "in heavy arrears to the international aid agencies it is pledged to support"—was not inaccurate or unfair.
- COMPLAINT:** AIM complained that an interpretive article carried by the Washington Post News Service had implied that Chile under Allende had to curtail imports drastically because of the denial of U.S. grants and credits. This, AIM said, was false.
- ACTION:** Complaint dismissed. Council informed AIM that the article in question was essentially an interpretive report of a complex situation and, therefore, was one on which it should not act. "An interpretive writer," the Council wrote, "must have freedom to express whatever implications he perceives in such data, with reasonable allowance by critical readers for some margin of error in his vision."
- COMPLAINT:** AIM complained that NBC News had violated the Federal Communications Commission's "Fairness Doctrine" in a documentary titled "Pensions, the Broken Promise." AIM contended that the documentary failed to portray adequately that a number of pension plans were working successfully.
- ACTION:** Complaint rejected. While staff was processing the complaint, the Federal Communications Commission issued a ruling agreeing in general with the AIM complaint, and requiring NBC News to present additional programming outlining the "good" side of pension plans. Under the Council's rules of procedure, complaints followed up by an action at law, or by an administrative procedure, or already under consideration by an agency such as the F.C.C., may not be considered by the Council. The Council so informed AIM.
- COMPLAINT:** Col. Arthur G. Lynn, USAF, complained that Senator William Proxmire had, on numerous occasions, released charges of misappropriation of funds by the military in advance of those charges being investigated by the General Accounting Office. He suggested that the press be enjoined from printing such charges before the investigations were completed.
- ACTION:** Complaint dismissed as not within purview of Council. Colonel Lynn was informed that his complaint was against Senator Proxmire, rather than against the press. "It seems justifiable," wrote the Council, "that the press publish allegations made by the Senator if they appear newsworthy to the press."

## The White House Study

*"I have never heard or seen such outrageous, vicious, distorted reporting in 27 years of public life."*

—Richard M. Nixon, October 26, 1973

Much has been written in the nation's press about the Council's efforts to review and analyze the charges made by President Richard M. Nixon at a White House news conference on October 26, 1973, that the nation's three television networks were engaged in "outrageous, vicious, distorted reporting" in covering his administration.

The Council's efforts to investigate the charges began on October 30 with a request to the White House that specifics of those charges be provided so that a thorough investigation could be conducted in the public interest and as a matter of public service. The three television networks offered to cooperate in such an investigation if the specifics were furnished.

Three months later, on January 28, 1974, the Council issued a report that it was unable to obtain from the White House the specifics of the President's charges. White House Press Secretary Ronald Ziegler had declared that his office had neither the time nor the staff to prepare a list of specific instances giving rise to the President's charges.

"We believe," the Council declared, "it is seriously detrimental to the public interest for the President to leave his harsh criticisms of the television networks unsupported by specific details that could then be evaluated objectively by an impartial body."

The White House had blocked pursuit.

At a meeting of the National Association of Broadcasters in Houston, Texas, on March 19, Council Member Ralph Renick, vice president and news director of WTVJ, Miami, Fla., again asked Mr. Nixon for specific instances to support his charges. The question was not answered. However, on March 22, 1974, Bruce Herschensohn, White House deputy special assistant, declared in the course of a speech in Washington, D.C., that he was now prepared to provide the specifics.

The Council is pleased and, although five months have passed since its original request for specifics, the Council is ready to examine the material Mr. Herschensohn now states he has to offer as substantiation of the President's charges.

The Council, as an independent and objective body, is prepared now, as it was on October 30, 1973, to hear both sides in a public hearing and, after carefully considering the matter, to make public its findings.

## **Freedom of the Press**

*"... to serve the public interest in preserving freedom of communication ..."*

The Council's Committee on Freedom of the Press was established to consider complaints from the news media concerning the restriction of access to information of public interest, and the preservation of freedom of communication. The Committee is also charged with conducting research and preparing reports for publication by the Council dealing with these subjects.

As its first undertaking, the Freedom of the Press Committee is conducting a study of access to the media. A draft of this study, prepared by Professor Benno C. Schmidt, Jr., of the Columbia University Law School, was presented to the FOP Committee on March 24, 1974, in the presence of Council advisers. It is expected that the "Access Report" will be ready for publication and distribution in late May or early June.

Access to the media is a vital and volatile issue today. Radio and television broadcasters question the validity of the Federal Communications Commission's "Fairness Doctrine," which requires that persons who disagree on controversial issues be accorded an opportunity to present their views on the air. Many broadcasters contend that the First Amendment guarantee of freedom of the press protects them from regulations such as the "Fairness Doctrine."

Newspaper publishers and editors are deeply concerned about a decision handed down by the high court of the State of Florida which would, in effect, extend the "Fairness Doctrine" to the printed news media. That tribunal decided that a Florida politician had the right, under a Florida statute, to equal space in The Miami Herald to reply to an editorial in that paper attacking him. The case is now pending, following an appeal by the Herald, in the United States Supreme Court.

In its announcement of the "Access Study" the Council observed that, "Once government moves in to tell a medium what to publish, there is a basic question whether such a command is an abridgement of Freedom of the Press."

A related question is also posed: In a society that is better educated and desirous of having its opinions presented in the press, what are the responsibilities of the media in providing and assuring access to members of the public to voice their points of view?

The "Access Report" will consider these and other questions related to the problem.

## Quotations from Letters Received by the Council

Mrs. Marcy Kempel, of Racine, Wisc., has written to the National News Council: "I think there should be a law which makes a newsman have absolute proof of what he puts over the air or press. If he is asked to prove it and can't, he should be put in prison for reputation murder."

This is one of many examples of criticism of the media taken from the scores of letters received by the Council that do not meet the Council's requirements for specifics. Broad and sweeping in their charges, the writers of such letters fail to comply with the Council's Rules of Procedure specifying that complaints must state "the precise grounds of the complaint and the facts relating to it."

Such complaints are acknowledged, usually with no comment by the Council concerning the content. They indicate, however, that many people have a negative attitude to freedom of the press or fail to understand what press freedom means in a free society.

Other examples include the following:

Mrs. J. C. Jackson, of Quincy, Ill., wrote: "Such columns as Joseph Kraft, Marquis Childs and others who don't even try to see the other side, should be censored."

Dr. G. Henry Loring, of Tacoma, Wash., wrote: "As Americans who wish to hear the news and *not* opinion, either subtly or crassly imposed, we protest most assiduously the license of the press."

Ezra Suberi, Los Angeles, Calif., wrote: "If the media are not guided, someday we will be ruled by the media. I think a reporter should be licensed like doctors and other professionals."

Mrs. B. Forrest of Salem, Ore., complained that James Reston of The New York Times "has crucified Mr. Nixon so badly even the crucifixion of Jesus Christ seems small by comparison."

Mr. Francis W. Cox of Omaha commented: "The public does not believe what they read in the newspapers. . . . We need a government-controlled news media to tell the government's side of the story."

In a response to Mr. Cox, Council Executive Director William B. Arthur declared:

"I am terribly sorry that you feel 'We need a government-controlled news media to tell the government's side of the story.'

"I cannot believe that our founding fathers, when they incorporated the First Amendment into our Constitution, would agree with your views.

"You are, of course, entitled to express those views. That's what the First Amendment is all about.

"I think if you were to examine history, you would find that the government controlled the press during the era of Hitler. You would also find that because the government controls the press in the Union of Soviet Socialist Republics men such as Alexander Solzhenitsyn are ordered into exile."

Mr. Cox replied: "I want to thank you for your courteous, and thoughtful reply . . . to my somewhat angry letter. . . ."

". . . I made two drastic statements . . . I apologize for the character of those bare statements. . . ."



## MEMBERS OF THE NATIONAL NEWS COUNCIL

Members of the National News Council are:



Stanley H. Fuld, Chairman,  
former Chief Judge of the Court of Appeals  
and of the State of New York.



Robert B. McKay, Vice-Chairman  
Dean of the New York  
University Law School

Loren F. Ghiglione, Secretary, Editor and Publisher of the Southbridge, Mass., *Evening News*.

William A. Rusher, Treasurer, Publisher of the *National Review*.

Joan Ganz Cooney, President of the Children's Television Workshop, which created "Sesame Street."

Thomas B. Curtis, formerly Congressman from Missouri, who resigned in June, 1973, as Chairman of the Corporation for Public Broadcasting.

Irving Dilliard, Director, Department on Aging, State of Illinois; formerly Editorial Page Editor of the St. Louis *Post Dispatch*; Emeritus Professor of Journalism, Princeton University.

Albert Gore, formerly U.S. Senator from Tennessee, now Chairman of the Board of the Island Creek Coal Co., Lexington, Ky.

Dorothy R. Height, Director of the Racial Justice Center of the Young Women's Christian Association of the United States and President of the National Council of Negro Women.

Mary T. (Molly) Ivins, Co-Editor of the *Texas Observer*.

Rev. James M. Lawson, Jr., Pastor of Centenary United Methodist Church, Memphis, Tenn., and leader of the non-violent civil rights movement.

Ralph M. Otwell, Managing Editor of the Chicago *Sun-Times*; President, The Society of Professional Journalists, Sigma Delta Chi.

Ralph Renick, Vice President and News Director of WTVJ, Miami, Fla.

Sylvia Roberts, Baton Rouge, La., attorney, who heads the Committee on Rights for Women of the American Bar Association's Section on Individual Rights and is President of the Legal Defense and Education Fund of the National Organization for Women.

R. Peter Straus, President of Straus Communications, Inc., which operates radio station WMCA in New York City.

The Council has six advisers appointed for their expertise on general constitutional as well as legal and procedural questions concerning the media. They are:

Norman E. Isaacs, Associate Dean and Editor in Residence at the Graduate School of Journalism, Columbia University.

Harry Kalven, Jr., Professor of Law at the University of Chicago.

Sig Mickelson, Professor of Journalism at Northwestern University, Evanston, Ill.

Mario Obledo, Chief Administrative and Legal Officer of the Mexican-American Legal Defense and Educational Fund.

Roger J. Traynor, former Chief Justice of the California Supreme Court and First Council Chairman.

Herbert Wechsler, Professor of Law at Columbia University and Executive Director of the American Law Institute.



William B. Arthur, Executive Director,  
former Editor of LOOK Magazine.



Ned Schnurman, Associate Director,  
former City Editor, WCBS-TV, New York City

