

THE CORPORATE CENSOR

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JULIAN Goodman, president of NBC, believes that television "is now under threat of restriction and control." Frank Stanton, president of CBS, says that "attempts are being made to block us." Elmer Lower, president of ABC News, thinks we may "face the prospect of some form of censorship."

I agree. Censorship *is* a serious problem in our country. My only dispute with these network officials involves just *who* is doing the censoring. They apparently believe it's the government. I disagree.

NBC recently cut Robert Montgomery's statements off the air when, during the Johnny Carson show, he mentioned a CBS station being investigated by the Federal Communications Commission. Folk singer Joan Baez was silenced by CBS when she wished to express her views about the Selective Service System on the Smothers Brothers show. Now, of course, the entire show has been canceled—notwithstanding the high ratings and its writers' recent Emmy. Sure there's censorship. But let's not be fooled into mistaking its source.

For at the same time that network officials are keeping off your television screens anything they find inconsistent with their corporate profits or personal philosophies, the FCC has been repeatedly defending their First Amendment rights against government censorship. Just recently, for example, the FCC ruled—over strong protests—that the networks' coverage of the Chicago Democratic convention was protected by the Constitution's "freedom of the press" clause. In other decisions, the Commission refused to penalize radio station

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WBAI in New York for broadcasting an allegedly anti-Semitic poem, or a CBS-owned station for televising a "pot party."

Many broadcasters are fighting, not for *free* speech, but for *profitable* speech. In the WBAI case, for example, one of the industry's leading spokesmen, *Broadcasting* magazine, actually urged that WBAI be *punished* by the FCC—and on the same editorial page professed outrage that stations might not have an unlimited right to broadcast profitable commercials for cigarettes which may result in illness or death.

This country is a great experiment. For close to 200 years we have been testing whether it is possible for an educated and informed people to govern themselves. All considered, the experiment has worked pretty well. We've had our frustrations and disappointments as a nation, but no one has been able to come up with a better system, and most of the newer nations still look to us as a model.

CENTRAL to our system, however, is the concept of an educated and an informed people. As Thomas Jefferson said: "The way to prevent error is to give the people full information of their affairs." Our founding fathers were familiar with censorship by the King of England. They were going to replace a king with a representative Congress. But they were concerned lest any American institution become powerful enough to impede the flow of information to the people. So they provided in the First Amendment that "Congress shall make no law . . . abridging the freedom of speech. . . ." Why "Congress"? I believe they assumed Congress would be the only body powerful enough to abridge free speech. They were wrong.

A lot has happened to the creation and control of information in this country since 1789. That was an age of town meetings and handbills. Today most information comes from the three broadcasting networks, ABC, CBS, and NBC, and the two wire services, Associated Press and United Press International. As Professor John Kenneth Galbraith has reminded us in *The New Industrial State*, 70 years ago the

large corporation confined itself to mass production in heavy industry. "Now," he writes, "it also sells groceries, mills grain, publishes newspapers, and provides public entertainment, all activities that were once the province of the individual proprietor or the insignificant firm."

It is easy for us to forget how large, profitable, and politically powerful some corporations have become. In 1948 about half of all manufacturing assets in the United States were controlled by 200 corporations; today a mere 100 corporations hold that power. A single corporation such as American Telephone and Telegraph (one of the FCC's many regulated companies) controls the wages and working conditions of 870,000 employees, purchases each year some \$3.5 billion in goods and services, has assets of \$37 billion, and has annual gross revenues in excess of \$14 billion. This gross revenue is several times larger than the combined budgets of all the federal regulatory commissions, the federal court system, and the U.S. Congress; larger than the budget of each of the 50 states; a larger operation, indeed, than all but very few foreign governments.

I AM NOT suggesting that large corporations are inherently evil. Not at all. They have created much of our wealth. I am merely urging that we be aware of the fact that large corporations have the incentive and the power to control the information reaching the citizenry of our free society.

Sometimes corporate pressures to control what you see on television are just plain silly. For example, in his book *TV—The Big Picture*, Stan Opotowsky reports that "Ford deleted a shot of the New York skyline because it showed the Chrysler building. . . . A breakfast-food sponsor deleted the line 'She eats too much' from a play because, as far as the breakfast-food company was concerned, nobody could ever eat too much." Often, however, corporate tampering with the product of honest and capable journalists and creative writers and performers can be quite serious. Sometimes there is a deliberate alteration of content; sometimes needed infor-

mation is squeezed out by more profitable "entertainment" programming.

On February 10, 1966, the Senate was conducting hearings on the Vietnam war. Fred Friendly, who was president of CBS News at the time, wanted you to be able to watch those hearings. His network management did not permit you to watch. If you were watching CBS that day you saw, instead of George Kennan's views opposing the Vietnam war, the fifth rerun of *I Love Lucy*. Fred Friendly quit CBS because of this decision, and subsequently wrote *Due to Circumstances Beyond Our Control* to tell the story. He began his book with the quotation, "What the American people don't know can kill them." Indeed it can. In Vietnam, about 35,000 so far. We have been shown miles of film from Vietnam, it's true. But how much has television told you about the multibillion-dollar corporate profits from that war?

There are many other situations in which censorship exists side-by-side with large profits—and disease or death. The tobacco industry spends about \$250 million a year on radio and television commercials designed to associate cigarette smoking, especially by the young, with fishing, football, the fresh air of the great outdoors, sexual prowess, and all other desirable attributes of a fun-packed adult world. In exchange for this investment, the industry sells on the order of \$9 billion worth of cigarettes a year. Would it really surprise you to learn that the broadcasting industry has been less than eager to tell you about the health hazards of cigarette smoking? It shouldn't. Just recently, for example, a United States congressman alleged that the president of the National Association of Broadcasters had suppressed from Congress and the American public revealing information about the "substantial appeal to youth" of radio and television cigarette commercials. The relation of this forgetfulness to profits is clear: cigarette advertising provides the largest single source of television's revenue, about 8 percent.

THE FCC has ruled that broadcasters can't present one point of view on a controversial issue and censor all

others just to serve their own beliefs and profits. The "Fairness Doctrine" requires that all viewpoints be presented. The FCC applied this doctrine to cigarette commercials. And what was the response of the broadcasting industry? It fought the decision with all the economic and political strength at its command. It has finally gone all the way to the Supreme Court to argue that a doctrine which limits its power to keep *all* information about the health hazards of cigarette smoking from the American people is a violation of broadcasters' First Amendment rights!

Or how about the 50,000 people who die each year on our highways? Their deaths are due to many causes, of course, including their own intoxication and carelessness. But how many television stations told you—either before or after Ralph Nader came along—that most auto-safety engineers agree virtually *all* those lives could be saved if our cars were designed properly? Nader, in *Unsafe at Any Speed*, speculates about the "impact which the massive sums spent (\$361,006,000 in 1964 on auto advertising alone) have on the communications media's attention to vehicle safety design."

Television certainly didn't take the lead in telling us about the unfit meat, fish, and poultry. (Chet Huntley was found to have been editorializing *against* the Wholesome Meat Act at a time when he and his business partners were heavy investors in the cattle and meat business!) Bryce Rucker, in *The First Freedom*, notes that:

Networks generally have underplayed or ignored events and statements unfavorable to food processors and soap manufacturers. Recent examples are the short shrift given Senate subcommittee hearings on, and comments favorable to, the 1966 "truth in packaging" bill and the high cost of food processing. Could it be that such behavior reflects concern for the best interests of, say, the top-50 grocery-products advertisers, who spent \$1,314,893,000 in TV in 1965, 52.3 percent of TV's total advertising income?

What could be more essential than information about potentially harmful food and drugs?

All Americans are concerned about "the crime problem." Have you ever stopped to wonder why the only crimes most of us hear about are, in the words of the Presidential Commission on Law Enforcement and Administration of Justice, "the crimes that are the easiest for the poor and the disadvantaged to commit . . ."? What we haven't been told is that much of the crime in the United States is "white collar" crime; that the rich steal as much as or more than the poor. As the Crime Commission report defined it:

The "white collar" criminal is the broker who distributes fraudulent securities, the builder who deliberately uses defective material, the corporation executive who conspires to fix prices, the legislator who peddles his influence and vote for private gain, or the banker who misappropriates funds. . . .

DID YOU ever find out from television, for example, that a *single* recent price-fixing case involved a "robbery" from the American people of more money than was taken in *all* the country's robberies, burglaries, and larcenies during the years of that criminal price fixing? The crime commission declared that "it is essential that the public become aware of the seriousness of business crime." Why is it the news media do not tell you about *these* threats to "law and order"?

One could go on and on. The inherent dangers in cyclamates (the artificial sweeteners in soft drinks) have been so widely discussed in Sweden that the government is considering prohibiting their use. The danger is scarcely known to the average American. Most of the nation's 160,000 coal miners have "black lung" disease (the disintegration of the lung from coal dust) in one form or another. Mine operators may refuse to pay for fresh-air masks—or support workmen's compensation legislation. Some television stations in coal-mining areas have, until recently, refused to televise programs offered them by doctors about this serious health haz-

ard. Reports differ, and no one knows for sure, but one current sampling showed that 20 percent of the color-TV sets studied were emitting excess X-ray radiation. Natural-gas pipelines are exploding as predicted. And did you know that the life expectancy of the average American adult male has been *declining* in recent years? The list goes on almost without end.

Note what each of these items has in common: (1) human death, disease, dismemberment or degradation, (2) great profit for manufacturers, advertisers, and broadcasters, and (3) the deliberate withholding of needed information from the public.

Many pressures produce such censorship. Some are deliberate, some come about through default. But all have come, not from government, but from private corporations with something to sell. Charles Tower, chairman of the National Association of Broadcasters Television Board, recently wrote a letter to *The New York Times* criticizing its attack on CBS for "censoring" the social commentary on the Smothers Brothers show. He said,

There is a world of difference between the deletion of program material by Government command and the deletion by a private party [such as a broadcaster]. . . . Deletion by Government command is censorship. . . . Deletion of material by private parties . . . is not censorship.

Another *Times* reader wrote in answer to Mr. Tower: "Mr. Tower's distinction . . . is spurious. The essence of censorship is the suppression of a particular point of view . . . over the channels of the mass media, and the question of who does the censoring is one of form only. . . ."

He's right. The results *are* the same. You and I are equally kept in ignorance, ill-prepared to "prevent error," and to engage in the process of self-governing which Thomas Jefferson envisioned—regardless of *who* does the censoring.

A number of talented people *within* the broadcasting industry recognize its failings. One of the nation's leading black announcers told me of his first job as a disc jockey. He was

handed a stack of records, but forbidden to read any news over the air. Said his boss: "You're not going to educate the Negroes of this community at my expense." A high ABC network executive was recently quoted in the pages of *TV Guide* as saying, "There are many vital issues that we won't go near. We censor ourselves." Eric Sevareid has said of the pressures involved in putting together a network news show: "The ultimate sensation is that of being bitten to death by ducks." And the executive editor of the *San Francisco Chronicle* has warned: "The press is in danger. Not the exciting kind of Hollywood danger, but of dissolving into a gray mass of nonideas." For it is also a form of censorship to so completely clog the public's airwaves with tasteless gruel that there is no time left for quality entertainment and social commentary, no time "to give the people full information of their affairs." Mason Williams, the multitalented one-time writer for the Smothers Brothers, has left television in disgust and written a poem about his experiences with "The Censor," who, he says in conclusion,

Snips out
 The rough talk
 The unpopular opinion
 Or anything with teeth
 And renders
 A pattern of ideas
 Full of holes
 A doily
 For your mind

Your mind. My mind. The mind of America.

The Rolling Stones said it long ago:

When I'm drivin' in my car,
 When the man comes on the radio,
 He's tellin' me more and more
 About some useless information . . .
 Supposed to fire my imagination? . . .
 I can't get no satisfaction!*

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Many Americans are trying to say something to each other. But the media haven't been listening. And you haven't been told. So some have turned to violence as a means of being heard. All you've been shown are the dramatic pictures; you know there's "something happening." But, like the Everyman of Bob Dylan's song, "You don't know what it is, do you, Mr. Jones?" The "silent screen" of television has left you in ignorance as to what it's all about.

The time may soon come when the media will have to listen. From many directions come suggestions for change. Law professor Jerome Barron says the courts should recognize a "public right of access to the mass media." Free speech in this age of television, he believes, requires that citizens with something to say be permitted to say it over radio and television. Suppose you approach a television station with a "commercial" you have prepared either supporting or protesting the President's conduct of the Vietnamese war. It may no longer be sufficient for the station to say to you, "Sorry, we don't like your views, so we won't broadcast your announcement"—as a San Francisco station did last year to those trying to express their point of view regarding a *ballot proposition!* As the U.S. Supreme Court said a few days ago in the Red Lion case, upholding the constitutionality of the FCC's Fairness Doctrine:

There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all. Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests.

It is too early to know the full, ultimate impact of this decision.

IN Holland, any group that can get 15,000 persons to support its list of proposed programs is awarded free time on the Dutch Television Network for a monthly program. There is even an organization for tiny and often eccentric splinter groups without 15,000 supporters. If a similar ex-

periment were conducted in this country, groups interested in electronic music, drag racing, handicrafts, camping, as well as the League of Women Voters, the National Association for the Advancement of Colored People, local school boards, theater and drama associations, the Young Republicans (and, who knows, even the Smothers Brothers), could obtain television time to broadcast programs prepared under their supervision.

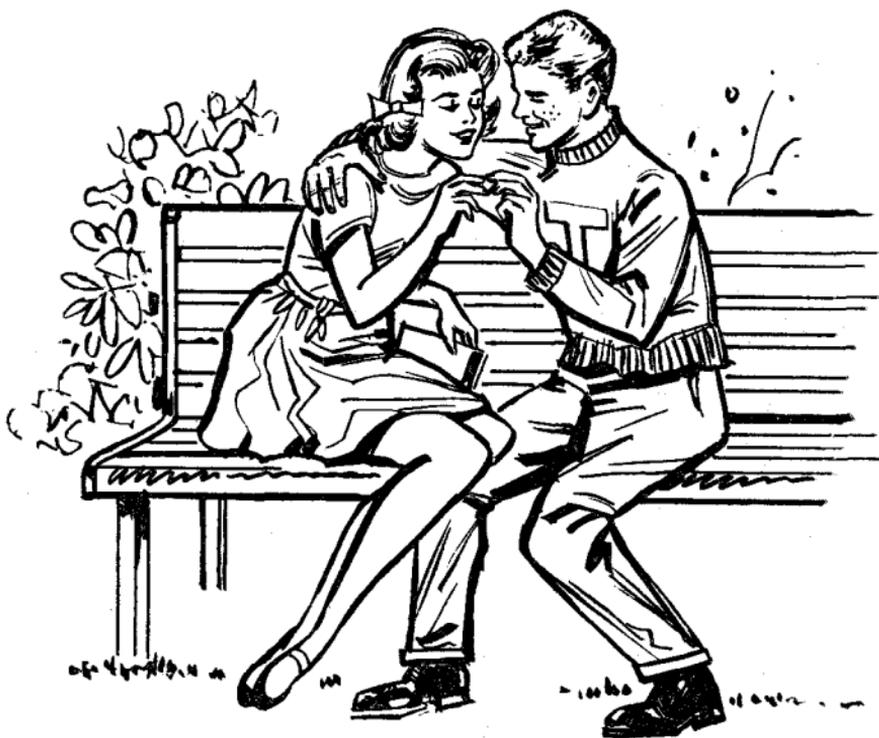
Or each network might devote a full one-third of its prime time (6 P.M. to 11 P.M.) programming to something other than entertainment or sports. It could be nonsponsored cultural, educational, and public-affairs programming; if the networks were required to stagger such fare, then at any given time during the 6 P.M. to 11 P.M. period of greatest audiences the American viewer would have an alternative, a *choice*. There would still be at all times *two* networks with the commercial-laden, lowest-common-denominator mass entertainment of situation comedies, Westerns, quiz shows and old movies. The third, however, would have something else.

It would be wholly inappropriate for me as an FCC Commissioner to insist that broadcasters present only the information, ideas, and entertainment that I personally find compatible. The FCC does not have, and would not want, the responsibility of selecting your television programs. But it would be equally irresponsible for me to sit idly by and watch the corporate censors kept from your TV screen the full range of needs, tastes, and interests of the American people.

The television-station owner, not the network, has ultimate responsibility for his programming. But somebody has to select his programs, you say; nobody's perfect. You're right. And all I'm urging is that, when in doubt, all of us—audience, networks, and government—ought to listen a little more carefully to the talented voices of those who are crying out to be heard. In short, I would far rather leave the heady responsibility for the inventory in America's "market-place of ideas" to talented and uncensored *individuals*—creative writers, performers, and journalists from *all* sections

of this great country—than to the *committees* of frightened financiers in New York City. Wouldn't you? I think so.

I am delighted the networks have raised the issue of censorship in America. I hope they will permit us to discuss it fully.



Cause . . .