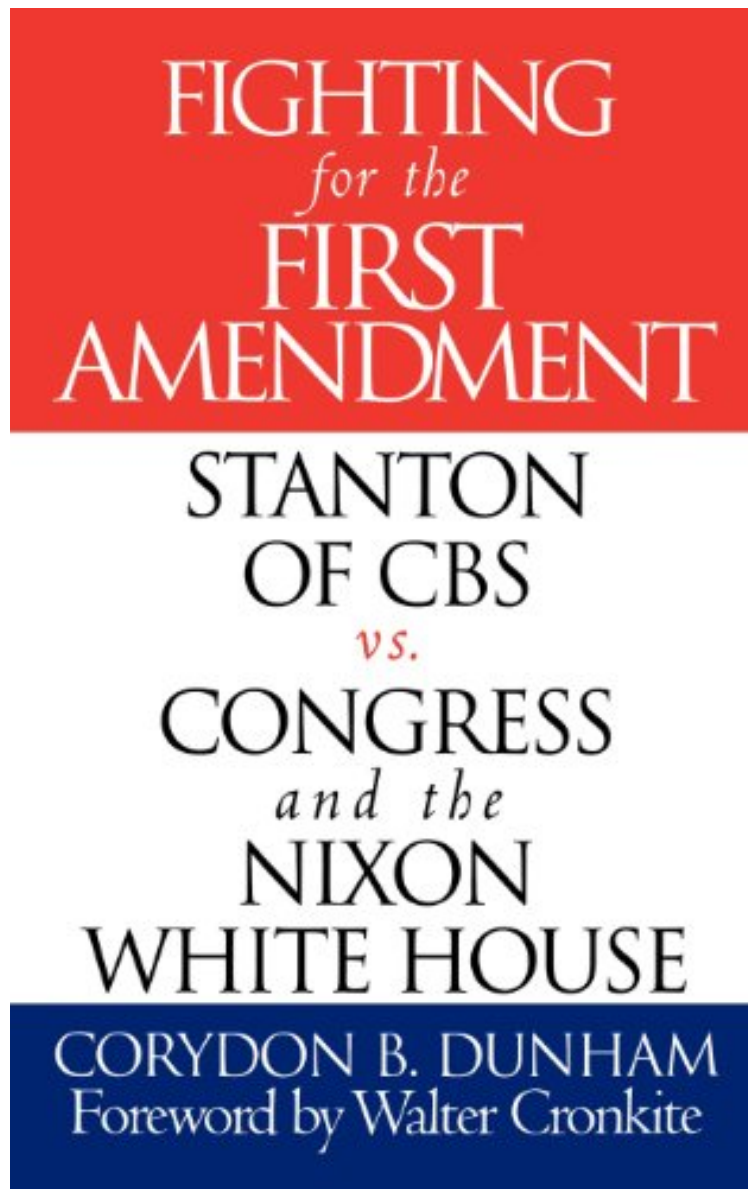


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## **Fighting for the First Amendment: Stanton of CBS vs. Congress and the Nixon White House**

*Corydon B. Dunham*

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## First Amendment: Stanton of CBS vs. Congress and the Nixon White House:

Here is an inside look at how a Congressional Committee, supported by the Nixon White House, sought to establish control over broadcast news by investigating editorial news judgment. Frank Stanton, legendary President of CBS, refused to produce outtakes from the award-winning documentary, *The Selling of the Pentagon*, subpoenaed by the Committee in an attempt to condemn the program and CBS. The Committee voted to hold Stanton and CBS in contempt, and the House of Representatives held a full debate on its power to investigate and control broadcast news. Had Stanton not taken up the fight he describes to gain First Amendment protection, broadcast news would have been shaped by Congressional hearings and intimidation. Will new electronic media publishers resist such government efforts on the Information Superhighway? Fighting for the First Amendment can serve as a model for that struggle. Finally Stanton's story is told in his own words in this extraordinary account of his fight to secure First Amendment freedom for the news media. This remarkable book examines the ongoing conflict between media and government and dismisses the theory that press regulation by a government agency is desirable. CBS's fight over *The Selling of the Pentagon* clearly illustrates how government interference can keep vital information from the public. Broadcast news history shows that press regulations are not benign despite government claims and once they are in place, neither great resources nor the urgent need for truth may fully remove them. As public opinion polls show increasing support for such regulations, Stanton's story serves as a timely reminder of the need for a press free of government interference as print, cable, broadcast and satellite news move onto the Information Superhighway.

"Media mavens will drool for [this] meaty volume....Fighting for the First Amendment captures a past battle between government and the electronic media: 'Selling the Pentagon' confrontation between CBS president Frank Stanton and politicians--in Congress and Nixon's White House--who tried to use the broadcast media's narrower press-freedom standards to restrain journalists' ability to investigate and report. Dunham was for many years a top executive and general counsel for NBC, so he understands the issues as well as the venues of this story. Like Stanton did years ago, Dunham maintains that broadcast journalists should have the same First Amendment protection as print reporters."-Booklist"Five Stars (exceptional)."-Today's Books"Highly recommended for all collections in journalism, communications law, and US history."-Choice"The book is meticulously documented....Dunham is knowledgeable, and the book is well organized, concise and scholarly."-Journalism History"Corydon Dunham...has written a passionate account of the Congressional-media uproar following the broadcast of a CBS documentary called *The Selling of the Pentagon* on Feb. 23, 1971."-Greenwich Time"Dunham...has written an absolutely gripping account of the parlous times in 1971 when, after CBS News broadcast a documentary called *The Selling of the Pentagon*, CBS News was investigated by a committee of Congress with support from the Nixon White House....Besides providing invaluable historical perspective...the author gives fascinating insights into the relationships and antagonisms prevailing among CBS's top brass....Fighting for the First Amendment is a page-turner, a dramatic evocation of what the author aptly calls a defining moment for broadcast journalism."-Television Quarterly"Media mavens will drool for this meaty volume....Fighting for the First Amendment captures a past battle between government and the electronic media: 'Selling the Pentagon' confrontation between CBS president Frank Stanton and politicians--in Congress and Nixon's White House--who tried to use the broadcast media's narrower press-freedom standards to restrain journalists' ability to investigate and report. Dunham was for many years a top executive and general counsel for NBC, so he understands the issues as well as the venues of this story. Like Stanton did years ago, Dunham maintains that broadcast journalists should have the same First Amendment protection as print reporters."-Booklist?Five Stars (exceptional).??Today's Books?Five Stars (exceptional).?-Today's Books?Highly recommended for all collections in journalism, communications law, and US history.?-Choice?The book is meticulously documented....Dunham is knowledgeable, and the book is well organized, concise and scholarly.?-Journalism History?Corydon Dunham...has written a passionate account of the Congressional-media uproar following the broadcast of a CBS documentary called *The Selling of the Pentagon* on Feb. 23, 1971.?-Greenwich Time?Dunham...has written an absolutely gripping account of the parlous times in 1971 when, after CBS News broadcast a documentary called *The Selling of the Pentagon*, CBS News was investigated by a committee of Congress with support from the Nixon White House....Besides providing invaluable historical perspective...the author gives fascinating insights into the relationships and antagonisms prevailing among CBS's top brass....Fighting for the First Amendment is a page-turner, a dramatic evocation of what the author aptly calls a defining moment for broadcast journalism.'?-Television Quarterly?Media mavens will drool for [this] meaty volume....Fighting for the First Amendment captures a past battle between government and the electronic media: 'Selling the Pentagon' confrontation between CBS president Frank Stanton and politicians--in Congress and Nixon's White House--who tried to use the broadcast media's narrower press-freedom standards to restrain journalists' ability to investigate and report. Dunham was for many years a top executive and general counsel for NBC, so he understands the issues as well as the venues of this story. Like Stanton did years

ago, Dunham maintains that broadcast journalists should have the same First Amendment protection as print reporters.?-Booklist"Frank Stanton comes as close as anyone to being the patron saint of broadcast journalism. We will, I fear, not see his like again."-Don Hewitt Executive Producer 60 Minutes"This book is about a remarkable moment in defense of the First Amendment, and the remarkable man who rose to the occasion. Read it--and you will never take freedom of the press for granted again."-Bill Moyers"Dunham's captivating saga of the battle for broadcast freedom is like a gripping mystery novel, infused with the insight and analytic power of a foremost First Amendment advocate and with striking current relevance for today's information superhighway."-Jerome J. Shestack President, American Bar Association"Lawyers aren't supposed to write this well, but Cory Dunham has picked out an important moment in the life of our free press, and given it spirit and meaning. Even as one who was in the thick of it, I learned a lot by reading about things I had forgotten. This is a book of entertaining scholarship."-Julian Goodman Former President of NBC"History serves dramatically to illustrate the need for continuing public awareness that our press freedoms must be protected. This is vital as we enter the new Information Age with all its promise for us and our descendants. That's why Corydon Dunham's book Fighting for the First Amendment is must reading."-Walter Cronkite (from the Foreword)Anchorman and Managing Editor The CBS Evening News, 1962-1991"It is non-fiction but it reads almost like a novel, with a cast of characters that includes two Presidents, a covey of Congressional titans and one broadcasting executive icon, in a fascinating struggle of competing agendas--political, financial, personal--a struggle to confirm broadcast journalism's right to the protection of the First Amendment of the Constitution."-Mike Wallace CBS Correspondent 60 Minutes"At a time when network television news was at its best, its independence was under constant challenge by the White House, the Congress, and the Federal Communication Commission. For those who lived through the era Fighting for the First Amendment is a welcome refresher. For those who didn't, it is an important lesson."-Scot Powe Professor of Law and holder of Anne Green Regents Chair University of Texas at Austin"Dunham's report on Frank Stanton's heroic defense of the First Amendment in the early 1970s is important, fascinating, and very relevant in this age of the Internet. Anyone interested in press freedom--indeed freedom--should read it."-Marvin Kalb Edward R. Murrow Professor of Press and Public Policy Director of the Joan Shorenstein Center on the Press, Politics and Public Policy John F. Kennedy School of Government Harvard University"Frank Stanton is a living legend at CBS News and throughout the broadcast press. His crusade for the recognition of the First Amendment rights of broadcast reporters is the keystone of that legend. This was his finest hour, and we are fortunate to find in Corydon Dunham so able a chronicler. Anyone who values the freedom to speak and publish needs to know how narrowly that freedom was protected in this country, only a few years ago. And as Dunham reminds us, the battles are far from over, and we are sorely in need of more Frank Stantons to lead us."-Dan Rather CBS News"It's easy to talk in defense of the First Amendment. It's much harder to put your very freedom on the line for it. But that's what Dr. Frank Stanton did at a time when some of the most powerful people in Washington wanted to force CBS News to knuckle under to outside control of its editorial content. Frank Stanton risked jail in order to stand up for freedom of the press. All of us--print as well as broadcast--are in his debt. When Stanton led CBS he did so with intelligence, civility and vision. Thank goodness he had one more quality as demonstrated in his confrontation with Congress over the First Amendment: Courage."-Sam Donaldson ABC News"This brilliant look at a major event in American broadcasting's battle to be free is a marvelous tribute to Frank Stanton's courage and his position as one of the greatest figures in broadcast history. Even those who lived through these conflicts with big government will find Cory Dunham of NBC revealing things that even we CBS insiders didn't know until now. Easy to read, extensively researched, this book also clearly shows how the lessons of a struggle in 1971 are as fresh today for the Internet, cable and the other innovations which will dominate information dissemination in the 21st century."-Bill Small Larkin Professor of Communication, Fordham University Past President NBC News and UPI Former Senior Vice President, CBS NewsFrom the Back CoverHere is an inside look at how a Congressional Committee, supported by the Nixon White House, sought to establish control over broadcast news by investigating editorial news judgment. Frank Stanton, legendary President of CBS, refused to produce outtakes from the award-winning documentary, "The Selling of the Pentagon", subpoenaed by the Committee in an attempt to condemn the program and CBS. The Committee voted to hold Stanton and CBS in contempt, and the House of Representatives held a full debate on its power to investigate and control broadcast news. Had Stanton not taken up the fight he describes to gain First Amendment protection, broadcast news would have been shaped by Congressional hearings and intimidation. Finally Stanton's story is told in his own words in this account of his fight to secure First Amendment freedom for the news media. This book examines the ongoing conflict between media and government and dismisses the theory that press regulation by a government agency is desirable. CBS's fight over "The Selling of the Pentagon" clearly illustrates how government interference can keep vital information from the public. Broadcast news history shows that press regulations are not benign - despite government claims - and once they are in place, neither great resources nor the urgent need for truth may fully remove them. As public opinion polls show increasing support for such regulations, Stanton's story serves as a timely reminder of the need for a press free of government interference, as print, cable, broadcast, and satellite news move onto the Information Superhighway.About the AuthorCORYDON B. DUNHAM was Executive Vice President and General Counsel of NBC for many years. Currently he is Counsel to Cahill Gordon Reindel and has served as Guest

Scholar at the Woodrow Wilson International Center for Scholars. He is the author of numerous articles on issues related to free press and communications.