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Part 3/14/76

# The Judgment to Publish

My mail tells me that the public today sees the press as an arrogant and heedless institution, whose motto is: "When in doubt, publish."

And with some reason. The press—print and broadcast—is in a publishing mood. Anything goes, it seems, if an argument—even a tortured one—can be made that the public has a right to know.

There are times, however, when editors do agonize over whether the public's right to know outweighs arguments for suppression.

Such arguments generally fall into two categories: Publication would endanger national security, or publication would cause harm to a person or persons.

In peacetime and in today's mood, the press has little problem with the national security issue. The basic assumption is that in a democracy the public not only has a right to know but must know what its institutions, public and private, are up to. The danger to the nation must be both clear and present before it outweighs that assumption.

When potential damage to individuals is involved, the laws of libel and privacy impose restraints, but they don't solve all the problems.

Sometimes the press accedes to official requests for suppression when an individual's safety is at stake. Most newspapers and broadcasters have cooperated with authorities to delay publication in order to avoid the risk of harm to a kidnap victim.

And then there are the cases where the subject of a proposed story attempts to bring pressure directly as a matter of self-preservation.

Such pressure is easy to deal with when it takes the conventional forms—a threat to withdraw advertising or an attempt to invoke friendship with the publisher. But when the subject threatens suicide if the story appears—in effect, makes his own person the hostage—the burdens of editorship suddenly seem very heavy indeed.

Such a situation attracted national attention a few weeks ago. On the morning of Sunday, Feb. 29, the Dallas (Tex.) Times Herald published a story about a distinguished petroleum engineer who, the paper said, had been a Soviet spy for many years and more recently a double-agent for the FBI. The story was carefully detailed and emphatically displayed. It was based on a three-month investigation by a team of reporters and on interviews with the engineer himself.

It quoted that subject's own admis-

sion that he had spied for the Russians for pay. And it quoted an unnamed intelligence officer as saying that the engineer was "the single most important individual in the development of the Russian oil and gas industry" in the 1945-60 period.

During interviews with Times Herald reporters, the engineer had pleaded that his name not be published and had mentioned suicide. The day before the story was to appear, he called the Times Herald and asked if his name was going to be used. He was told it was.

Then, according to Ken Johnson, the paper's executive editor, "he said that such a disclosure left him no choice but suicide."

Johnson says that two editors talked to the man for about 20 minutes. After the conversation, the decision was to publish as planned. The next morning, the engineer was found dead in his Connecticut home of a gunshot wound authorities said was self-inflicted.

Had the engineer not carried out his threat, the Times Herald's story would have been simply an example

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of good investigative reporting. But in view of what happened, it is appropriate to ask some questions:

- Was it a valid public-interest story? Assuming the facts were correctly stated, the answer must be yes. It appears that the information supplied by the engineer materially helped the Russians develop their oil industry. For that information he received substantial reward, including a pension (which the FBI took over). He even was awarded a Soviet medal, although he apparently never took delivery.

- Could the story have been published without identifying the engineer? It is difficult to see how that could have been done effectively without omitting much of the specific information. Also, it undoubtedly would have been only a matter of time before the name was disclosed in some other publication. In the meantime American petroleum engineers generally would have been under a cloud.

- Should someone on the Times

Herald have tried to warn the engineer's family that the story was about to appear and that he was talking of suicide? This is the most difficult question, in my opinion.

The situation was complicated by the fact that the engineer's family knew nothing of his service to the Russians. So the paper not only would have had to warn them, it would have had to fill them in on the story.

Newspaper people resist leaving their own line of work—publishing the news—and injecting themselves into private matters. But that excuse has a hollow ring in view of the fact that a story like the one in question is bound to enter the private life of the subject with explosive force.

In any case, no one was warned and the story was published. So now the public knows that important industrial secrets were transmitted to the Russians and by whom. And a man is dead.

Did the balance tip in the right direction? That is a judgment I can't make. I will say, however, that while each case must be weighed individually the suicide threat, like any form of blackmail, cannot be allowed to become an effective impediment to the flow of legitimate, important news.

Letters to the editor  
Dallas Times Herald  
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7627 Old Receiver Road  
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Typical of the hurtful ignorance of those who palm themselves off as experts on political assassinations when they are not is the statement attributed to Larry Howard (10/22/91) of what calls itself your "Assassination Information Center" - that "the federal government has sealed most evidence...in the archives until the year 2039."

This is not true and it never has been. It is the fiction used by Oliver Stone to publicize his rewriting of our history in his movie mistitled "JFK." Stone has reportedly paid this Dallas "center" \$80,000 - for the ignorance this displays!

I alone have obtained about 250,000 pages of once-withheld JFK assassination records and I do not have copies of all that have been released.

The Larry Howards should stick to their knitting - unproven and untenable theories about how JFK was killed - because they have less connection with fact than <sup>has</sup> the garlic merely wafted over the stew.

Harold Weisberg

