

# New Court Rules Spell Censorship

By Jack Anderson

The Supreme Court has issued a sweeping new judicial code, which would strengthen the government's authority to censor the news.

The new code, doesn't of course, mention censorship, but it would broaden the Justice Department's right to classify information. The government uses its classification power more to hide embarrassing information than to protect security information.

In other words, the secrecy stamp is used primarily to keep the American people from finding out what the government doesn't want them to know. The government may call this "classification," but we call it "censorship."

The new judicial code also pointedly omits any special privilege for newsmen to protect their confidential sources. This will encourage the courts to continue jailing newsmen who refuse to disclose their sources. The effect, of course, will be to limit the right of the press to investigate official secrets. For a reporter who reveals his sources will lose them.

Newark newsman Peter Bridge went to jail rather than reveal his sources. Now Judge Charles Older has clapped Los Angeles newsman William Farr in the pokey for protecting his sources.

The Honorable Older, there-

by, is upholding the power of the government, Kremlin-like, to control the flow of information to the people. For if newsmen can be hauled before a judge every time the government wants to learn the identity of their sources, they will soon be left with none but safe, official sources. It has been our experience that official sources never tell newsmen anything the government doesn't want them to know.

Judge Older has reversed a fundamental precept of democracy—that the individual has the right to know just about everything about the government, but the government has the right to know very little about the individual. Increasingly, the government behaves as if it has the right to snoop into every corner of every citizen's life, while keeping its own activities secret.

Our founding fathers clearly intended that the press should be a watchdog on government; that the press should serve the governed not the governors; that freedom of the press should be a license for newsmen to dig out the government's abuses and reveal them to the press.

Thomas Jefferson, the father of democracy, understood that the press must be free to criticize and condemn, to expose and oppose. "Were it left to me to decide," he wrote,

"whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

He understood that a free people are better off with no government at all than with a government and no watchdog. Nor did he retract his statement after he had been abused as President by irresponsible newspapers. Rather, as he neared the end of his first term, he wrote to a friend:

"We trust (the democratic experiment) will end in establishing the fact that men may be governed by reason and truth. Our first objective should, therefore, be to leave open to him all the avenues of truth. The most effective, hitherto found, is the freedom of the press. It is, therefore, the first shut up by those who fear the investigation of their actions."

The new judicial code—while recognizing the privilege of lawyers, doctors and clergymen to protect confidences—would deny the same right to newsmen. Yet the Constitution, clearly, places freedom of the press above freedom to practice law or medicine.

This dangerous code, which would have the effect of abridging freedom of the press, will become law auto-

matically 90 days after it is submitted to Congress in January unless both houses reject it.

## U.S. Backdown?

The transcripts of the secret truce talks have been so tightly guarded that few people, other than President Nixon and Henry Kissinger, have access to them.

White House sources, who have not seen the transcripts but have participated in the policy discussions, tell us that the United States definitely reneged on an agreement that was reached in Paris in October.

The main stickler was the withdrawal of North Vietnamese troops from South Vietnam. Hanoi refused to acknowledge that its troops were fighting in the South, yet insisted at the same time upon the right of all Vietnamese to resist foreign "aggressors."

These were such basic tenets of Hanoi doctrine that Kissinger decided to negotiate around them. He was more interested in producing a workable settlement than a public document. So he settled on a formula that implied, but never mentioned, a North Vietnamese withdrawal.