

Reagan aims to save recipients

Freep case as precedent?

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FBI memos stolen

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While the recent theft and subsequent publication of interoffice memos from the FBI has been an interesting enough development, a previously unexplored implication of the affair is of special relevance to readers of the *Free Press*.

As you know, the *Free Press* was convicted not too long ago of receiving stolen information in an unprecedented case. A Xerox copy of an interoffice memo from the State Attorney General's office was delivered to the *Free Press* as an unsolicited manuscript which was used as the basis for published articles. Although the memo was not marked "secret," "confidential," or "not for publication" in any way, and although all previous civil legal precedent indicated the *Free Press* was not liable in any manner for publishing such material, the *Free Press* was criminally convicted under a statute never before used for such a purpose, a statute which had previously been exclusively used for prosecuting "fences" of real stolen property (such as furs, jewels, etc.).

This was made possible by a ruling from the bench which held that information equates with real property, a ruling which flew in the face of all previous civil precedent, which holds that information cannot be construed to constitute real property. Thus, we are faced with the supremely illogical (though apparently inescapable) conclusion that while information does not equate to property in civil matters, it does in criminal matters!

More recently, the Los Angeles Chapter Board of Directors for National Journalism Fraternity Sigma Delta Chi decided to take no action on the *Free Press* conviction. Since Sigma Delta Chi's membership is roughly made up of half establishment newsmen (CBS, *L.A. Times*, etc.) and half press agents, publicists

and public relations flacks, it is not difficult to understand the organization's timidity in this matter.

Most recently, a self-proclaimed radical organization stole inter-office memos from the FBI and subsequently sent Xerox copies of them to all the top establishment newspapers in the country (such as the *L.A. Times*). These newspapers in turn used this unsolicited "stolen information" as the basis for several published articles.

The conclusion to be drawn from these facts is obvious: establishment media's handling of the FBI memos exactly duplicates the *Free Press* handling of the Attorney General's memo. Therefore, if the *Free Press* is guilty of criminally receiving stolen property then so is every top establishment newspaper in the country, and all should be brought to trial immediately.

If the *Free Press* conviction is allowed to stand through appeals, future events dictate two possibilities, neither of which is very pleasant.

To wit: (1) the government will not take action against establishment media over the publication of the stolen FBI memos. If this happens, it will prove that the action against the *Free Press* was designed only as a singling and weeding out of voices deemed by the establishment to be too critical of the establishment rather than any real concern over the breaking of the law. It will prove that if you are not a large and powerful medium, then you had better not be too critical of the establishment or else the establishment will harass you out of business and get away with it legally as well.

On the other hand, (2) if the government does take legal action against the establishment media the way it did against the *Free Press* it will mean the end came sooner than anyone expected.

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