

and 13th Streets.

Post 8/9/71. Return ... and the First Amendment

We congratulate the people of the Washington metropolitan area on Judge Howard Corcoran's ruling on Thursday that they are at liberty to buy and to read so-called underground newspapers if they want to do so. The ruling came on a two-year-old lawsuit brought by the Washington Free Press, the vendors of which had been subjected to arrest and other harassment by policemen of the National Park Service. In forbidding further interference with orderly peddling of papers, Judge Corcoran pointed out that the parks are "areas traditionally open to the public for the exercise of First Amendment rights." This puts the emphasis precisely where it belongs—on the public's right to have access to information.

The ruling comes a little late for the Washington Free Press which is now defunct—perhaps in part as a consequence of the harassment to which its vendors were subjected. A free press can be stifled as well by throttling its distribution as by forbidding its publication. Judge Corcoran was quite right, we think, to cite the recent Supreme Court decision in favor of the Washington Post and the New York Times with respect to the "Pentagon Papers." The principle involved is the same.

We say nothing about the merits of the Washington Free Press because they are irrelevant to the question at issue in this case. The merits of that publication ought to have been judged by the people who were asked to purchase it—not by Park Service policemen instructed to serve as censors and as protectors of the public from its own curiosity. Public safety is not promoted by this kind of officiousness. On the contrary, the public can be hurt a great deal more by what it doesn't know than by what it does. That is, really, the central idea of the First Amendment.