

As Daniel Schorr told the House ethics committee, there is a "necessary tension between what you do and what I do."

He was referring to the tension between the press and Congress, but the comment could be extended to tension between the press and the courts and, in fact, between the press and all those in positions of power.

But tension does not have to mean unresolvable conflict, as was demonstrated by the Schorr case and that of the four California journalists who survived a less publicized but equally important clash with a Fresno judge.

Schorr has escaped punishment for his refusal to tell how he got the report on the CIA that was published in the Village Voice. The Fresno Four, having served 15 days in a prison camp because they refused to tell how they obtained grand jury material, have been set free.

The parties involved have a right to be relieved and elated. And the press generally has cause for satisfaction. A byproduct of the two events undoubtedly has been a heightened public awareness of the press' insistence on protecting sources and the reasons for it.

The News Business

Schorr was performing an educational function as well as a defensive one when he told the ethics committee: "For a journalist, the most crucial kind of confidence is the identity of a source of information. To betray a confidential source would mean to dry up many future sources for many future reporters. The reporter and the news organization would be the immediate losers. . . . The ultimate losers would be the American people and their free institutions."

Those are eloquent words. But they should not overshadow a briefer, more prosaic statement made by Superior Court Judge Hollis Best when he freed the Fresno Four. "The court is persuaded that the preponderance of evidence is established that there is an articulated moral principle in the news media" to not disclose a source, he said.

For a judge to acknowledge the existence of that principle and use it as the basis for a decision is progress indeed.

Since the press' main problems these days are with the courts, it could be argued that the Fresno case was more significant than the Schorr case. Nevertheless, the Fresno Four did not get nearly the press attention accorded Schorr.

There are several reasons. Schorr, like many television journalists, is a celebrity; not so the Fresno Four. Also, occurring in the capital and involving Congress as it did, the Schorr case got the kind of attention that only the Washington press corps can give. And,

finally, as a CBS reporter, Schorr was part of the Washington-New York news axis or, to use a more Agnewesque term, the Eastern Establishment Press. For the media giants—the networks, The Washington Post and The New York Times, the newsmagazines—the Schorr case involved one of their own.

The Washington Post's coverage of the two denouements provided a striking, if extreme, example of the difference in treatment.

The morning after Schorr's testimony, the story was given a major headline on The Post's front page. The main page 1 picture was of Schorr and his lawyer (who, incidentally, is also the Post's lawyer), Joseph A. Califano Jr.

By contrast, the morning after the Fresno Four were freed, The Post covered it in a four-inch story leading a roundup of national news items on page 5 of the D section.

In any case, press people have a right to be pleased over both outcomes. But they should not be carried away. Tension between the press and those in authority will continue. That is all to the good. It may be that calling a journalist before a congressional committee has a "chilling effect" on the press generally, as Schorr claimed. But it can also have a beneficial "cooling effect"—that is, it can serve to remind journalists that there are other rights and interests that sometimes come into conflict with their own.

Also, the press should not take the Schorr and Fresno victories as evidence that a militant, aggressive press has unanimous public acceptance.

One has only to defend in print the confidentiality of sources or the unfettered right to publish to learn that there are many who concede the importance of a free press, but who are seriously troubled by some journalistic practices.

After an earlier column on the Schorr and Fresno cases, I received a letter from a retired government employee. It was written before the resolution of the cases, but he tells me his feelings haven't changed.

He expressed concern about the subverting of the grand jury process in the Fresno case. And in the Schorr case, while conceding the government's tendency to overuse the "Secret" stamp, he was highly critical of Schorr's handling of the CIA report.

And then he said:

"Please do not conclude that I am an opponent of the press after the Agnew school. On the contrary, I believe that a free press—and an honorable press—is one of the strongest safeguards of our democracy. . . .

"Legitimate news sources should be protected. But let us be sure that they are legitimate news sources, legitimately contacted."

Such concerns are probably part of the broader manifestation of Dan Schorr's "necessary tension." But we of the press should never forget that they exist, and that they are not a far step from distrust and even fear.

Charles B. Seib Post 9/24/76
A 'Necessary Tension'