

Joseph Alsop - Post 3/5/73

Nixon and the Media

The problem of the freedom of the press is being endlessly agitated, too often by members of the press who are either self-righteous or self-pitying or both. But there are times when lines should be drawn, and this happens to be one of them.

Consider, for example, the extraordinary dragnet subpoenas just issued to the publisher of The Washington Post, Katharine Graham, three members of the Post staff, and assorted other newspapermen. They are part of the huge crop of subpoenas sprouting from the maze of suits and counter-suits born of the ugly Watergate case.

The particular suit in question is a civil one, brought by former Secretary of the Treasury Maurice Stans against the former chairman of the Democratic National Committee, Lawrence O'Brien. The dragnet subpoenas were issued at the behest of Kenneth Parkinson, lawyer for Stans, and also lawyer for the Committee to Re-Elect the President.

The dragnet subpoenas amount to a demand for full disclosure of the inner workings of the newspaper business, including reporters' sources. The demand originates in a civil, not a criminal proceeding. The subpoenas will rightly be resisted up to the Supreme Court, if necessary, but at heavy expense for all the incidental costs of resistance.

For these reasons, the dragnet subpoenas constitute an unquestionable, gross and unjustifiable invasion of the freedom of the press. Worse still, this is an invasion that the White House could easily have prevented, or at least have called off. No one can suppose that Kenneth Parkinson would have issued his subpoenas, or have persisted in them, if the President had sent down the necessary order.

The same rule applies to the speculative suits being brought by people unpleasantly close to the White House, with the aim of seizing control of The Washington Post Company's highly profitable television stations in Miami and Jacksonville, Fla. Here it should be noted that the present round of suits are sequels to an earlier suit brought by the super-crony, Bebe Rebozo, and that unlovely political operator, former Sen. George Smathers of

Florida. In this earlier suit with the same aim, The Washington Post repelled the attack, but only after paying the legal costs of the Rebozo-Smathers group. This was a bit like paying for a wolf's dental work, after he has done his best to bite you. That amounts to encouragement for wolves, even though the practice is now frowned upon by the Federal Communications Commission.

The wolves (to continue the image) were no doubt far more encouraged by the open detestation of the White House for The Washington Post, which was greatly inflamed during the campaign year. The climate positively invited an attack on The Post's television franchises by hard-headed men not adverse to a good gamble with the chance of a big pay-off. Such are the men now trying to take over the Miami and Jacksonville stations.

In short, no White House stimulation was needed by these men. There is no evidence that the White House has given any stimulation, either, despite all the rumors to the contrary. But that is not the point. Instead, the real point is that these hard-headed men would never be spending money on expensive lawyers if they got word from the White House that they could not expect a particle of help or support when the chips were down.

To subject a newspaper to financial penalties for political disagreements is again a most obvious invasion of the freedom of the press. President Nixon has been shamefully, badly advised, simply because he has allowed it to appear that he was at least a passive party to this. The appearance itself is damaging and should not be tolerated by the President, any more than the White House should tolerate the dragnet subpoenas already mentioned.

In short, the President needs to re-examine the whole matter of his relations with the press, cold-bloodedly and without considering real or imagined grievances. By the same token, however, the newspaper and television businesses also need to do a little re-examining, again cold-bloodedly and especially without self-pity. If newspapers can denounce politicians, politicians have the contrary right—so shockingly exercised by Vice President Spiro T. Agnew. If crimes are being considered or committed, the media ought not to be party to them, under the guise of the reporters' "duty" to their sources of information. In sum, the place to draw the line in this matter is right down the middle.

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