

The Constitutional Rights Subcommittee of the Senate has just opened a series of hearings "to examine the state of freedom of the press in America," particularly those areas in which this allegedly has been diminished or challenged by the government in recent years. It is a good opportunity for the country to learn that the significance of the controversy has been exaggerated.

The government's effort to obtain court injunctions to prevent newspapers from publishing articles based on the "Pentagon Papers," for example, need not have been necessary if there had been cooperation between the newspapers which got possession of the documents and the government. The basis on which the administration objected to the publication of the data in the "Pentagon Papers" was that there were certain messages to and from ambassadors which could have been omitted or paraphrased, thus avoiding any chance of outsiders obtaining American codes.

The courts have yet to settle exactly what power of injunction may be applied to prevent publication of classified documents stolen from the government and unlawfully given to the press.

As the Senate hearings began this week, it was stated that there have arisen "new fears about government control and regulation of the broadcast media." Herbert G. Klein, who is President Nixon's communications chief, declined an invitation to testify. Ronald L. Ziegler, White House Press Secretary, declared that he did not want to make any comments with reference to the hearings or to matters now before the courts, but said he believes it is the President's view that "the free press in this society should be able to operate with sources that have not been made public."

Mr. Ziegler was asked whether Vice President Agnew was justified in assailing the reporting by the "liberal press" of the Attica riots and whether he was perhaps reflecting the administration's position. Mr. Ziegler replied:

"The Vice President has every right to express himself. In the last two years people have been suggesting the administration has an intent to intimidate the press. That is not our intent. We respect the free press. But just as government should be criticized and should be self-critical, criticism of the press in itself does not suggest intimidation.

"In my personal view there has been too much sensitivity by the press. I don't think we have

shown anything but respect for the press."

Looking back through the history of the debate about freedom of the press, Congress itself assumed considerable authority over important news media — namely, radio and television — when the Federal Communications Commission was established and was given the right to issue licenses for channels.

If a member of the administration criticizes television nowadays, the cry goes up that he is trying to impose some form of censorship or control through the Federal Communications Commission. When Vice President Agnew, for instance, voiced a criticism of certain broadcasts made immediately after President Nixon had spoken on television, it was charged that the administration was attempting to intimidate the television media and was threatening to influence the FCC to withhold licenses when they came up for renewal.

Again, when the Department of Justice sought an injunction against the publication of the "Pentagon Papers," the administration was widely accused of interfering with "freedom of the press."

But the real issue in connection with the "Pentagon Papers" was the theft of classified documents and their publication without giving the government a chance to delete certain portions which were in code or involved confidential relations with other governments. The same information could have been set forth without publishing the texts in verbatim form.

During World War I and World War II, a voluntary censorship system was in existence. Newspapers were not compelled to follow the guidance given them by a board in Washington, but they generally did. This plan was deemed necessary in order to protect our government from the spread of information that would be helpful to the enemy.

A new question, however, has arisen. Should a newspaper accept from anyone official documents that he or she has stolen? Should not the person guilty of such an offense be reported at once to the government so that proper action may be taken? In most cases, the government probably would agree to the publication of information from the documents concerned, provided steps to protect national security and our code system were agreed to in advance by the newspaper or newspapers which had obtained the stolen material.

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