

Post 11-11-74

## Justice Stewart's View of the Press

**F**OR THE LAST DECADE, and most particularly for the last few years, the American press has been at the center of the political storms that have swept the country. What the press did, or did not do, in its coverage of Vietnam, Watergate and the Johnson and Nixon administrations has been the topic of uncounted speeches and articles. Perhaps not since the days of the abolitionists before the Civil War has the press—its strengths and shortcomings—been the center of so much public debate.

In much of that debate, or so it seemed to us, the issues were never squarely joined. Many of the critics of the press seemed to start from the proposition that the traditional role of the American press was to be supportive of the government and that it had embarked on a new course by adopting an antagonistic view of two Presidents and their policies on at least two major national issues. The defenders of the press (and we, of course, are among them) started from the view that the press was doing what it was always supposed to be doing—querying, testing, probing all policies and decisions of government. The real difference in the last decade from prior decades, at least as we saw it, was that the executive branch of government had never before lied to the American people so con-

sistently and so demonstrably as it did about Vietnam and Watergate.

The real issue in this debate, the one that rarely was joined, is the proper role of the press in American political life. Is the press, as Thomas Macaulay wrote, a fourth estate, given special protection by the First Amendment and charged by those who founded this country with providing an additional check on the official power of the three branches of government? Or has the press created this role for itself, pushed its First Amendment right beyond that intended by the Founders, and arrogantly assumed a larger place in political life than it should hold? The starting point in such a debate should be the Constitution and the views of the men who wrote it. Elsewhere on this page today we print an extract from a speech on that subject delivered recently by Supreme Court Justice Potter Stewart. It is a remarkable speech because it is rare for a Justice to address a live public issue so squarely and so concisely. While we do not agree with everything that the Justice Stewart says—and we would be the first to uphold our right to disagree—his speech seems to us to be a more substantial contribution to public understanding of the government-press conflict than almost anything else that has been said by a government official in the recent past.