

Defending Dan Schorr

By Tom Wicker

In suspending Daniel Schorr from his reporting duties, CBS News has succumbed to a campaign launched within the Ford Administration to picture the Central Intelligence Agency as an erring but basically worthy victim of those who leak its vital secrets and reporters who print them.

Mr. Schorr has conceded that he made a copy of the House Intelligence Committee's report available for publication in *The Village Voice*, a New York weekly. The charge against him is that he "sold" a document that not only disclosed national security information but which the House of Representatives had voted not to publish. The "selling" charge arises from Mr. Schorr's suggestion that *The Voice* make a contribution to the Reporters' Committee for Freedom of the Press.

Anyone who knows Daniel Schorr knows also that it is absurd to suggest that he sought to profit materially from publication of the House committee report. The facts are that Mr. Schorr did not suggest payment for himself, but to a cause he considered worthy. He first determined, as a CBS reporter, that the broadcast possibilities of the report had been exhausted. When the possibility of book publication fell through, Clay Felker, publisher of *The Voice*, offered to print the report.

"I had then to consider," Mr. Schorr wrote the editors of *The New York Times*, "since taking money was unthinkable to me, whether Felker should be the sole beneficiary. If our system inevitably creates profits, should Felker enjoy them exclusively? So, I suggested it would be appropriate for him to make some gesture to the free press idea which had animated me by a 'voluntary' contribution to the Reporters' Committee. . . ." In fact, the arrangement was so "voluntary" that the contribution has not been made.

This arrangement may well have been an error of judgment. But Mr. Schorr deserves to have is acknowledged that there was no "sale" of the committee report nor any arrangement designed for his personal enrichment, or that of anyone; and that he at least thought he was precluding a "profit" even for *The Village Voice*.

The other major question concerning publication of the committee report is whether Mr. Schorr should have turned it over to *The Voice* in any circumstances. Did not the House vote to keep it secret? Has not George Bush, the new C.I.A. director, said publication damaged national security?

In fact, Mr. Bush took refuge in the

ancient governmental dodge of saying, in effect, "if you only knew what I knew . . . but of course I can't tell you what I know." When the Government made the charge about publication of the Pentagon Papers in 1971 that the national security had been damaged in ways it could not publicly discuss, Federal Judge Murray Gurfein was unable in a secret session to elicit from Government witnesses a single specific instance of actual damage to the national security.

This history, of course, proves nothing about the committee report except that statements like Mr. Bush's should be regarded with much skepticism—particularly since (a) most of the report's major points had previously been published, so that at worst any security damage already had been done; (b) other reasonably knowledgeable

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able persons, including the House committee and its staff, believed that, as Mr. Schorr said, it contained "nothing more of national security significance, certainly nothing that would endanger any individual."

Besides, Mr. Bush himself, appearing on "Meet the Press," conceded that "the fundamental question is that Congress voted by almost two-to-one that the report not be made public, and it was made public . . . that's just plain wrong." This is the basic charge against Mr. Schorr, but it is George Bush who is just plain wrong.

How is it different for the House to vote to suppress a public document than for a President to suppress it? If President Ford, for example, had decided not to make public the report of the Rockefeller Commission he appointed to study C.I.A. abuses, would that have made it "just plain wrong" for a good reporter like Dan Schorr to get hold of it and put it on the public record?

Of course not, for to say so would be to say that either a President alone or the House by majority vote can decide what a free press may or may not publish. In the Pentagon Papers case, the Supreme Court specifically ruled against any such doctrine—contravening, as it would, the First Amendment—although it left open the possibility that some narrowly specified matters might be of such immense and immediate security importance as to warrant "prior restraint."

No one has suggested that the House committee report is even remotely such a matter; and after a year-long investigation conducted at public expense, it was in fact a document that belonged where Dan Schorr put it—on the public record.