

# THE STATE OF THE PRESS

by WALTER CRONKITE

A FRIEND SAID the other day: "You must be very pleased with the developments in Washington."

It was an unfortunate statement. It suggested that the view held by us in the press of the administration was as distorted, biased and prejudiced as the administration's view of us. That, I think, is insulting to an intelligent man — and I told my friend that.

I am *not* pleased by the Watergate developments, and I do not think most of my colleagues of the press are either. I am shocked and frightened to learn of the heights to which corruption has reached.

Any normally human reaction to exult in the downfall of an adversary is more than counter-balanced by concern over the debasement of our democratic system and worry over the stagnation of government while this scandal plays itself out.

There are some who write letters to newspapers and radio and television stations complaining of the attention we are giving the unfolding story — they ask what is so wrong about what the Republicans did. "They didn't kill anybody or rape anybody or steal anything," the letters go. "Politicians always have been crooked. What's the big fuss?" And the letters conclude with something like: "You news people are just blowing up the story because you never have liked Nixon."

I hardly think it is necessary to deny that accusation, and while we were getting some letters of that ilk

in late April, they do seem to be dropping off with each succeeding revelation from Washington.

While the writers of such letters, the polls indicate, are in the minority, I do wonder if we in the press have succeeded in getting over the real horror of Watergate — if a lot of the public still doesn't believe that this is just a slightly gamier version of politics as usual.

We tried to point out on the Evening News the difference between the bugging of Democratic headquarters and the corruption that touched the White House in earlier administrations.

Almost all of those cases of earlier notoriety — in the Grant administration, the Teapot Dome of the Harding administration, the five percenters of the Truman administration and the vicuna coats of the Eisenhower years — all of those involved the use of power to procure profits, usually for friends and, with the exception of Teapot Dome, with minimal payoff for the culpable in the White House.

Teapot Dome did involve the theft of the people's inheritance, the nation's natural resources, and the evil was the greater therefore.

But none of these previous cases was so potentially far-reaching as the one now being exposed. For the Watergate bugging was an attempt to steal a birthright far more precious than money, the citizen's privilege to choose his president, fair and square.

The stealing of votes, fraud at the

polls, is not exactly unknown in our country, but this case goes further than that. It was an attempt, on the national level, to subvert the two-party system, which is right at the roots of our system. It was a naked attempt to use power for the perpetuation of power, and down that road dictatorship thrives and democracy cannot survive.

It was a naked attempt to circumvent the democratic system of law that its perpetrators had sworn to uphold.

But far from casting doubt on the efficacy of the system, it seems to me that the unmasking of the plot proves that our system of checks and balances works.

It was a federal judge — appointed by the Republican administration, by the way, but under our system now sitting for life and untouchable by political considerations — who refused to accept the cover-up; it was a congressional committee that kept the pressure on; and it was the free press that would not let the matter die when others would have interred it.

If there is any silver lining in all this it may be that administration spokesmen — those who remain — will be a little less hasty in charging the press with ideological venality.

It may even be that, in the light of the Watergate revelations, that segment of the public which had bought the administration line will reconsider the value of a free press.

It may well be that President Nixon might have avoided this dis-

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grace to his administration if *he* had put a little more faith in the press. If we assume he did not know about Watergate and its ramifications until March 21, as he reported to us, then we can assume that he was not reading the newspapers or watching television and that his daily news digest, as written by Pat Buchanan, didn't include mention of Watergate.

We might also assume that it was the success of his administration's campaign against the credibility of the press that neutralized the public's reaction to the newspaper and television stories about Watergate last fall. The Republican leaders told them not to believe the press, so they didn't believe, and the President was able to ignore Watergate as a campaign issue. If he had been forced to face the question then, perhaps the White House would not now be tainted with the additional scandal of the cover-up.

IT IS AN interesting but seldom proffered argument as to the advantages of a free press that it has a major function in keeping the government itself informed as to what the government is doing.

The information that must flow freely from government to the people, also eddies *around* the government itself. Good newspapers and broadcasters, through their diligence, can provide information about one branch of government to officials of another branch that it would take them far too long to get — if, indeed, they ever got — through secret communications and inter-office memos. This is a source of information that is denied to the leaders of dictatorships, and they are far the weaker for that.

This is a fact which must be coming home rather belatedly to some in Washington who have disparaged the attempts of the press to tell the

whole story, the bad with the good.

While it would take extraordinary gall for the administration to resume its attacks on the press now, the atmosphere it has created will take some time to dissipate, and it has set in motion a train of events that still present a serious danger to our freedoms of speech and press.

Let me give you just two examples of the seriousness of the problem. In the present atmosphere, the Supreme Court has stripped the press of the privilege to protect its sources, and without such protection a free press cannot survive.

In the Pappas, Branzburg and Caldwell decision last year, the court ruled that reporters do not have a First Amendment right to withhold confidential sources or information from a grand jury.

There may not have been a decision as important to our survival as a democracy in a hundred years, and yet, in the current aura of suspicion that the administration has generated, we of the press seem to have been unable — with all our vaunted power — to communicate the great stake that the people have in this matter.

Government on the local, the county, the state and federal levels will be able to operate with the shades drawn and the doors locked. What evil can be perpetrated in this secrecy that the Supreme Court decision encourages?

While most government servants might be presumed to be honest, our history is replete with examples of those who have sought to dispense favors to their friends at the expense of the public.

It is the honest bureaucrats who expose their dishonest colleagues. It is rare that a newsman can lay bare the facts of malfeasance or nonfeasance without a tip or collaboration from inside.

Yet, this is the information that the Supreme Court's 5 to 4 decision said cannot be held confidential.

The effect? Well, hear what Justice Potter Stewart said in dissent: "An office-holder may fear his superior; a member of the bureaucracy, his associates; a dissident, the scorn of majority opinion. All may have information valuable to the public discourse, yet each may be willing to relate that information only in confidence to a reporter whom he trusts, either because of excessive caution or because of a reasonable fear of reprisals, or censure for unorthodox views.

"After today's decision," Justice Stewart said, "the potential informant can never be sure that his identity or off-the-record communications will not subsequently be revealed through the compelled testimony of a newsman."

And Justice Douglas, also dissenting, noted that the decision would "impede the wide open and robust dissemination of ideas and counterthought" necessary in a free society. And he went on: "The intrusion of government into this domain is symptomatic of the disease of this society. As the years pass, the power of government becomes more and more pervasive. It is a power to suffocate both people and causes.

"Those in power, whatever their politics, want only to perpetuate it. Now that the fences of the law and the tradition that has protected the press are broken down, the people are the victims. The First Amendment, as I read it, was designed precisely to prevent that tragedy."

The Supreme Court's decision did invite legislative action to clarify the press privilege under the First Amendment, but this opens up serious questions that sink us deeper into the quagmire of press restrictions.

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For this seems to establish that the First Amendment guarantees are not absolute and can be further refined by Congress — a proposition that would, on its face, seem unconstitutional since the First Amendment clearly states that the Congress “shall make no law abridging the freedom of speech or of the press.”

It seems to me that the Constitution would clearly prohibit many of the privileged communication bills now before Congress . . . all of those, in fact, which place limitations on the privilege of private sources although with the good intention of defining the privilege.

These limitations are more or less great depending on the particular bill, but the most favorable ones would set aside the privilege when there is “probable cause” to believe that a newsman has information clearly relevant to a specific probable violation of the law; that the information cannot be obtained by alternative means, and there is a compelling and overriding national interest in the information.

Aside from establishing the dangerous precedent that Congress can legislate press restrictions, these limitations are highly unworkable and create loopholes that would defeat their very purpose.

Who is going to determine that there is “probable cause” to believe that the reporter has relevant or exclusive or nationally important information?

The prosecuting attorney who impaneled the grand jury in the first place, or a judge who may be beholden to the same political machine? Or is each case going to the Supreme Court while the reporter languishes in jail, and, with another contempt case in the spotlight, news sources again dry up?

It seems to many of us that the only remedy is a law that states sim-

ply, and therefore eloquently, that the First Amendment means what it says and no reporter can be hailed before any government body and forced to reveal confidential sources of information.

Opponents of any such absolute privilege have drawn up a long list of possible abuses.

One is the lurid suggestion that the Mafia could shield its members by putting them to work on a front newspaper. This is a specious argument. I don’t recall that under present circumstances we have seen a parade of Mafiosi spilling all they know before grand juries, and they’ve got the protection of the Fifth Amendment, anyway, without invoking the First. Furthermore, the courts could be expected to see through such subterfuge.

Then there is the “good citizen” argument — that there are occasions when the life of an individual or the community is so clearly endangered that no citizen can be exempt from giving information.

A strong case can be made for this point — except that there must be a presumption that newsmen *are* good citizens and are not going to withhold such information in a case as clear-cut as this would imply.

As a matter of fact, newsmen generally do cooperate with lawmen in criminal cases. It is a rare reporter who does not tip off the local constabulary to such matters that cross his attention, and there are many prosecuting attorneys who have expressed concern that the Supreme Court decision is going to cut off this source since the reporter himself now will be under the same handicaps as the authorities.

Even so, we must acknowledge that there would be some abuses of the absolute privilege, but by no stretch of the imagination could these abuses be so frequent or so

serious as to endanger the survival of the democracy. A press hobbled by the Caldwell decision would.

This Washington atmosphere so repressive to the free press is now further poisoned with the attempt to bring the network news programs to heel by making them responsive to the local stations, where the government has licensing power and thus can bring political and financial pressures to bear.

It would be another serious blow to the free flow of information if the network news broadcasts were emasculated, for, far from being a monopoly as charged, they are the alternative to the provincial approach of the local stations.

Most of us deny that the network news is shot through with bias and prejudice. We acknowledge that all men, not excluding journalists, harbor bias and prejudice, but it is the mark of the professional newsman that he recognize these in himself and guard against their intrusion into his reporting.

But let’s assume that there is some justice in the administration’s charges. Still there is a serious flaw in its claim to seek only balance in the news by curbing the network broadcasts.

For there *is* balance now in the daily fare offered the nation’s viewers. They get not only the network news but their local news, and if the rest of the country is presumed to be more conservative than us eastern establishment elitists, then presumably the local news reflects this conservative influence.

Thus, since the network news already has been balanced by the local presentation, the only excuse for trying to control the network offering would be to unbalance the total news available, presumably to the administration’s advantage.

It is strange that the administra-

tion cannot see that the power with which it would invest itself today it might have to pass on to another political party tomorrow. Or, perhaps, does it believe that with such power over a cowed and intimidated press that is not a serious possibility? The arrogance of Watergate might lead us to accept that diabolical theory.

OUR CONCERN, that of the press, in recent years of course has been concentrated on the attacks from this administration. We are not immune, and have not been in the past, from other administrations and other parties.

Who can forget, particularly in Chicago, that it was the Democrats who were down on us for daring to report that 1968 convention as we saw it?

Our power, the power of this high-impact new means of communication, *is* feared, and the frightened and the jealous will not cease in their efforts to bridle us.

The establishment — I'm afraid there is no better word — of whatever age, whatever year, has been chary of its critics. In times of stress it has sought to muzzle them.

Since John Milton first pleaded for the freedom to print and America's founding fathers codified it, attempts to reverse this historical progress, although occasionally attempted, have for the most part failed and the written press would appear to be beyond the reach of the politicians.

Scarcely anyone would doubt that television news has expanded to an immeasurable degree the knowledge of a great portion of our peoples who either cannot or do not read.

We have expanded the interests of another, also sizable portion, whose newspaper reading has been confined to the headlines, the sports results and the comics.

We are going into homes of the untutored, underprivileged and disadvantaged — homes that have never known a book. We are exposing them to a world they scarcely knew existed, and while the advertisements and the entertainment

programming whet their thirst for a way of life they believed beyond them, we show them that there are people and movements, inside and outside the establishment, that are trying to put these good things of life within their reach.

Without any intent to foster revolution, by simply doing our job as journalists, with ordinary diligence and an extraordinary new medium, we have awakened a sleeping giant. No wonder we have simultaneously aroused the ire of those who are comfortable with the status quo.

The other side of the coin is no brighter as far as our popularity goes. Those citizens who are happily smothered in their easy chairs under picture windows that frame leafy boughs and flowering bushes and green grass might have reason to resent our parading through their neat living rooms the black and bearded, the hungry and unwashed, to remind them that there is another side of our country that demands their attention.

Are these not precisely the same reasons that the press was looked upon with so much alarm and suspicion a couple of centuries ago? And, as it turned out, for the establishment of that era, with good cause. For it was the free press that in large measure exposed the failings of older systems, that brought about reform, that became the people's surrogate in observing the performance of their servants in government — a vital service without which democracy would have been a hollow word.

It is nothing less than a crime against the people that the heavy hand of government should be laid now on the newest communication medium to prevent it from serving this same function in the future.

This nation — the cause of a free press — can be grateful for the farsighted men who founded the networks, coming to the business without journalistic backgrounds. And those who are following in their footsteps are men in the executive suites who have left the news judgment to the professional journalists and have created in our country

what I guarantee is, from the internal standpoint, the freest medium of them all. They have strengthened that cornerstone that is our free press.

What we have asked of them has not been easy.

For 13½ hours out of the 15-hour network day, their job is to win friends and audience. They and we live on how successfully they do this difficult job.

But then we ask them to turn a deaf ear to the complaints of those dissatisfied with what we present in the remaining minutes of the day.

We newsmen are not jugglers, dancers, ventriloquists, singers or actors seeking applause. We are not in the business of winning popularity contests. It is not our job to entertain, nor, indeed, to please anyone except Diogenes.

UNFORTUNATELY, we have seen lately the growth of "happy news time" on some stations, promoted by managements willing to sell their journalistic responsibility for a few fickle Nielsen points. They are the dupes of those who urge more "good news" in the hope, subconscious or Machiavelian, that it will blot out the bad news — in other words, suppress the news of aberrant behavior and dissent from establishment norms.

To seek the public's favor by presenting the news it wants to hear, is to fail to understand the function of broadcast news in a democracy.

Radio and television journalists and enlightened executives have spent 35 years convincing the public that broadcast news is not a part of the entertainment industry. It is a shame that some would endanger that reputation now.

More responsible managements have not yielded to this pressure, and we all can be grateful for their strength.

The battle is not over — not by far — and there will be more to come. The First Amendment rights of broadcast news are yet to be won and thus the fullest measure of our freedoms of speech and press are yet to be realized. ■