

NYTimes

By Russell Baker

WASHINGTON, June 21—Senator Goldwater wants The Washington Post prosecuted for printing Government information the Government doesn't want published. At first glance this seems like a good idea if you are one of those people who would just as soon not know what the Government is up to—and considering what it has been up to lately, only a masochist would want to be even slightly informed.

Only brief reflection, however, is required to see that the Senator's proposal is unsatisfactory. Mr. Goldwater has not thought the thing through. Let us do it for him.

Let us assume that The Post receives in the mail a typical Government document classified "Secret." It arrives in the mail room where a clerk empties the mail bags and puts it in a batch of envelopes for delivery to the news room.

A copy boy sorts the news room mail and sends the document to a clerk on the city desk. The clerk, observing that the document is written in typical government gobbledegook and that it deals with, say, the price of butter, assumes that it is another

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routine press release and routinely sends it to the reporter covering the butter beat.

In due time it is printed in the paper, having been checked by a reporter, processed by a copy reader, read by an assistant city editor, read by the city editor, okayed by an assistant managing editor, approved by the managing editor and mentioned casually to the publisher, Mrs. Katharine Graham, at an office lunch the day it goes to press.

Now, the crime having been committed, the Government swings into action. A grand jury is convened. The Justice Department sets up a three-man prosecuting team to insure that the perpetrators of this hellishness will pay for their sins.

In no time at all the mail-room clerk who received the forbidden document and passed it on to the copy boy is convicted of receiving illegally circulating Federal papers and sentenced to three-to-seven years at hard labor in Leavenworth.

He has implicated the copy boy who took the document to the news room, and the copy boy, facing five-to-ten years in the Federal penitentiary at Atlanta, begins plea bargaining with the special prosecutors.

OBSERVER

A capital offense for which the least gets the most and the most gets the least.

In return for telling them to whom he handed the forbidden document—the clerk on the city desk—he is allowed to plead guilty and is sentenced to one year in Danbury.

The prosecutors go after the city-desk clerk, but they are really after Mr. Big, so they make a deal. They let the city-desk clerk plead guilty and get off with nine months in Lewisburg; in return, he agrees to identify the man to whom he passed the secret paper. It is the reporter who covers the butter beat.

After plea bargaining the reporter identifies the copy reader who proc-

essed his story and the assistant city editor who read it, and is sentenced to six months in Lewisburg.

The copy reader gets off with four months for agreeing to testify against the assistant city editor, who gets off with two months in Allenwood, where he will be taught to grow radishes, in return for implicating the city editor.

The city editor pleads guilty and is sentenced to thirty days at an I.T.T.-Sheraton motel in suburban D.C.

In exchange, he agrees to testify against the assistant managing editor. More plea bargaining ensues. The upshot is that the assistant managing editor agrees to testify against the managing editor, and after pleading guilty he is sentenced to pay a \$10 fine, which is suspended.

Confronted with the assistant managing editor's testimony, the managing editor pleads guilty, weeps before the judge and throws himself on the mercy of the court. He is given a one-month vacation in Venice with all accommodations prepaid on the Lido. At this point the prosecutors are ready to nail Mr. Big, or in this case, Mrs. Big — Katharine Graham, the publisher.

Now, however, higher policy considerations must be taken into account. Would it be good for the country to have a publisher hauled into court? Would it not do irreparable damage to the institution of the Publisher's Press? Urgent high-level conferences are held and their transcripts classified "Secret" so that the mail clerk of any paper daring to publish them can be sentenced to hard labor at Leavenworth.

Yes, someone points out, if Mrs. Graham were just any publisher, justice should be served. She should be sentenced to a three-month winter vacation in the Caribbean. But she is a woman and, moreover, a widow. It would be bad for the Administration's image to send women to the Caribbean unescorted.

Thus image's demands confound determination to do justice, and the case is closed. The mail-room clerk will be eligible for parole from Leavenworth in only two more years.

That is how justice works, Senator Goldwater. If you read the papers instead of confining yourself to what the Government wants you to know, you would have known that all along.