



CBS'S GRAHAM & SOLICITOR GENERAL ROBERT BORK; NEW YORK TIMES REPORTER OELSNER; NBC'S STERN & ATTORNEY GENERAL WILLIAM SAXBE

THE PRESS

Watergate: Defining The Law on Deadline

On the evening that the Watergate grand jury handed up its March 1 indictment, CBS Correspondent Fred Graham was on camera discussing the charges. Merely to summarize the bare facts of the complex story within TV's time limitations would have been an accomplishment. But Graham was able to add some telling insights. Having digested the 50-page indictment, he observed that "it wasn't quite classical." Although "sometimes conspiracy cases involve the kitchen-sink approach," this time, he noted, it was different. Instead of throwing in many charges against each defendant in the hope that one or more would stick, the prosecution had apparently "shucked off" marginal charges.

It was a small point in a large story, but an interesting one. And Graham could make it authoritatively on his own because he is an experienced lawyer as well as a journalist. He is typical of a growing band of attorney-reporters based in Washington. Until recently they were for the most part restricted to the Supreme Court and Justice Department beats. During the past year, Watergate has brought them to the fore, giving them both visibility and status.

Slicing Gristle. The Chicago *Sun-Times* used the front page of a recent issue of the trade magazine *Editor & Publisher* to advertise the newspaper's five-member legal reporting team. At Columbia University's Graduate School of Journalism there are more applicants than ever with legal backgrounds; the most popular elective course is "The News and the Law." In Washington, few of the newsmen regularly covering the Supreme Court a decade ago held law degrees. Now half of the dozen regulars do. Other capital reporters, like Hearst

Columnist Marianne Means, have enrolled in law school.

Most major bureaus now have law school graduates adept at slicing through legalistic gristle. Among them: Carl Stern of NBC, Jack Landau of the Newhouse chain, Wayne Greer of the *Wall Street Journal*, Lesley Oelsner of the *New York Times* and David Beckwith of *TIME*. Several have gained special recognition for their Watergate coverage. Stern, 36, became familiar to millions of viewers of the televised Watergate hearings when NBC Anchor Man John Chancellor would turn to his colleague and inquire, "What's the law on that, Carl?" After one of Stern's lucid explanations on some fine point raised in the hearings, Chancellor would wryly thank the "Chief Justice."

A 1966 graduate of Cleveland's State University law school (where he won his degree *magna cum laude* while working as a newsmen for a local TV station), Stern has knowledgeably interpreted every legal zigzag in the Watergate maze since he covered the arraignment of the original five burglars. Further, in a rare use of the 1967 Freedom of Information Act, Stern successfully sued the FBI to secure records—the latest of which were released to him last week—showing how the FBI, under J. Edgar Hoover, had mounted a nationwide harassment campaign against militant black and leftist radical groups.

Graham, 42, is a twangy Arkansan who practiced law for three years in Nashville after graduating from Vanderbilt Law School. He has combined his legal training and Washington experience—chief counsel to a Senate Judiciary subcommittee and *New York Times* law reporter before joining CBS—to develop a range of valuable news sources and in-depth coverage of the Supreme Court for his network. Before Watergate began consuming the bulk of

his time, Graham would travel the country in advance of major court decisions, interviewing key figures in each of the cases. He then used the background film to augment his commentary on the decisions as they were announced. *Times*-woman Oelsner, 30, (N.Y.U. Law School, '68), exposed New York City's shabby juvenile-justice system and capricious sentencing procedures in a series of *Times* articles before reaching Washington. There her intelligent Watergate analyses have included a prescient suggestion last Jan. 22 that "the Watergate prosecution may have found evidence damaging to the President."

While their special value lies in clarifying densely complicated material, the lawyer-journalists frequently demonstrate their hard-news talent by breaking important exclusives. Stern pursued one report that the CIA had destroyed Watergate-related tapes and pinned down the fact that the agency had indeed burned the tapes several days after Senate Majority Leader Mike Mansfield had requested the CIA not to tamper with the material. A Graham broadcast last fall sent shockwaves through Washington when he quoted a high Justice Department official as telling then Vice President Agnew's lawyers during a plea-bargaining session: "We've got the evidence; we've got it cold."

Extra Dimension. The specialists have no illusions about their primary role. "I'm glad I went to law school," says Oelsner, "but basically I see myself as a reporter." Yet few of them deny the advantages that their legal training has given them. They tend to be meticulous about the nuances of complicated stories. They can deal more easily than other reporters with lawyer sources, a decided benefit in Watergate. "It helps," says Graham, "to have been where the lawyers are."

Critics fault the TV legal reporters

THE PRESS

for appearing superficial at times ("courtroom coverage à la Perry Mason," says Harvard Law Professor Alan Dershowitz) and their print counterparts for occasionally numbing readers with excessive jargon and detail. A few officials complain that the reporters prefer to cross-examine in district-attorney style instead of conducting normal interviews. Some editors question the wisdom of hiring legally trained reporters, noting that Watergate was uncovered in the main by hard-digging newsmen with no legal background. Still, as *Times* Washington Bureau Chief Clifton Daniel observes: "The lawyer-reporters bring to such stories a dimension of expertise that the non-lawyer reporter simply doesn't have."