

The War: The Record and the U.S.

By JAMES C. HAGERTY

Publication by The New York Times and other news media of portions of the secret Pentagon Vietnam study has raised basic questions of propriety that have long been a simmering issue between government and a free press. Now it is out in the open.

Simply stated (maybe overly so) the conflict of responsibility boils down to this: What actually constitutes national security and who determines it? Who decides whether Government planning or decisions in conduct of American foreign policy should be given security classification, thus withholding the information for an indefinite period from public knowledge? What is the obligation of the news media when unauthorized individuals about the classification system by simply handing out copies of secret material?

Obviously there are no easy answers to such questions. One can praise The Times for its defense of the freedom of the press and the public's right to know and criticize the Government for past duplicity and present attempts to censor the truth. But one can also defend the Government for seeking to protect its necessary and vital private relationships with other nations and condemn The Times for endangering American diplomatic and military policies.

The present controversy—centering as it does around American involvement in an Asian land war—was almost inevitable. It is but another facet of the steady growth of public opposition to our continued military presence in Vietnam.

But the public attitude on Vietnam should not color or distort the central point at issue. What is at stake here is how the Government and the free news media can best function in an open society to serve the interests of the nation and its people. Truth can be embarrassing and it is the duty

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of the news media to seek it out and report it. But government, particularly in the formation of foreign policies, must operate partly in private in relation to other nations, in planning to meet contingency situations, in conferring with Congressional leaders, and in recommending actions to the President.

This is where the classification system comes in. It is essential to any government but it can be improved. In many respects, it is antiquated and subject to abuse. The Pentagon study is a case in point. How could such a massive collection of documents be

undertaken without the knowledge of the then Vice President of the United States and the Secretary of State?

The present controversy presents an opportunity to examine the classification system from a truly national interest point of view. Personally, I would like to see it dealt with first in the Federal courts, including the Supreme Court of the United States, so that a highest court decision could serve as a guideline.

Perhaps there should be a required periodic review of all classified material by an independent and quasijudicial board or commission or by the

staff of the National Security Council or the council itself. Such a group would be authorized to determine whether existing documents, or portions of them that do not realistically imperil national security, should be removed from classified listings.

As to the Pentagon study, I have several suggestions, both as to The Times and the Government. As to The Times, it would seem to me that in publishing the first three installments of the documents it presented only one side of the then existing situation in Vietnam without reminding its readers of the developments of that time as far as Hanoi was concerned. This could have been done by inserting in italics the actions of Hanoi and the military situation from the other side, as well as the actions and movements of supplies and support to North Vietnam by Moscow and Peking. Then the readers would have had the full historical picture. The Times overlooked the fact that public memory is of short duration and could have presented a more balanced report.

As to the Government, I believe that when the Department of Justice moved in Federal court to stop The Times from publishing the remaining portions of the study it should have clearly and simply stated that it was acting to stop a rash of other leaks of secret documents and to protect the confidential and necessary relationships that must exist between our nation and the other countries of the world. That was not done with sufficient clarity and the Government's case suffered accordingly in the public mind.

But all this is hindsight. The problem now is to attack the question of classification intelligently, with candor and sensitivity. I do not believe it is asking too much to do just that.

James C. Hagerty, vice president of the American Broadcasting Company, was President Eisenhower's press secretary.

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