

The Chicago Tribune

By CLAYTON KIRKPATRICK

CHICAGO—Thirty years from now historians may be recounting the story of how The New York Times obtained and printed secret Pentagon documents describing the background of the war in Vietnam.

How accurately will they tell it? More accurately, Times editors may hope, than historian Arthur Schlesinger Jr. told the story (Op-Ed page, June 24) of The Chicago Tribune's involvement in similar situations in 1941 and 1942.

The gist of this commentary is (1) that The Tribune, on Dec. 4, 1941—three days before the Pearl Harbor attack that launched the United States into World War II—printed the substance and much of the text of the U.S. plan for waging the war, and (2) that on June 7, 1942, it printed a story that disclosed that the U.S. had broken Japan's secret communications codes.

The controversy involving The Tribune was colored by the intense hostility between Col. Robert R. McCormick, editor and publisher, and President Franklin D. Roosevelt. The Tribune had bitterly opposed American participation in the war which broke out in Europe in 1939. It charged that Mr. Roosevelt was maneuvering secretly to get the United States into the war while promising publicly not to send Americans to die on foreign battlefields.

Schlesinger comments: "These were disclosures that might well have caused irreparable injury to the defense interests of the United States." Schlesinger argues that "the Roosevelt Administration could have made quite a case against The Tribune thirty years ago but in the end declined to do so: The question is what sort of case the Nixon Administration, in these far less stringent and perilous days, can bring against The Times."

Two basic assumptions underlying these assertions are unworthy of any scholar or historian:

- The Tribune would knowingly print material of great strategic and military sensitivity that would put the country in danger.

- The offenses were forgiven by a generous President and his Federal hierarchy.

Take the first assumption. The story published on Dec. 4, 1941, was written by Chesly Manly, a Washington correspondent now dead. In the first paragraph the story identifies the war plan report as "a confidential report," not "the secret" report as Schlesinger describes it.

Later it was identified as one of several contingency reports drafted by the Department of the Army. The planned action it described was scheduled to begin on July 1, 1943—more

than 18 months away from the date of publication and of the actual entry of the U.S. into the war.

The essential substance of the story was mentioned in a Senate speech by Senator Burton K. Wheeler on Nov. 4, a month before the story appeared.

Stephen T. Early, Presidential press secretary, rolled with the punch.

"Your right to print the news, is I think, unchallenged and unquestioned," Mr. Early told reporters. "It depends entirely on the decision of the publisher and editor whether publication is patriotic or treasonable."

The executive branch reacted much more violently to The Tribune story of June 7, 1942. This story reported in considerable detail the ships that comprised the Japanese fleet at the Battle of Midway.

Information for the story was supplied by Stanley Johnston, a war correspondent who had covered the earlier battle of the Coral Sea and had returned to Chicago to write that story.

Johnston's deductions were remarkably accurate—so accurate that Navy intelligence, which had broken the Japanese code, suspected that the Japanese would realize their messages had been decoded when they read the story.

The day after the story was printed the Bureau of Censorship notified Arthur Sears Henning, The Tribune's Washington bureau chief, that The Tribune was cited for violating censorship. He replied in writing and within hours was told that the bureau "had no further quarrel with The Tribune in this matter."

The matter rested until Aug. 7 when Attorney General Francis Biddle announced in Washington that a Federal grand jury in Chicago would investigate charges that The Tribune had published confidential information.

The grand jury met and heard the evidence including testimony from Johnston, Wayne Thomis, and J. Loy Maloney, managing editor. The jury refused to indict on Aug. 20.

The best evidence that The Tribune's story had not breached U.S. security was that the Japanese continued to use the broken code after the June 7 story.

The Tribune commented editorially that the entire episode was an attempt to attack The Tribune politically.

The Tribune has never wavered in its conviction that the controversial stories violated no law and that publication was consistent with a newspaper's privileges under the First Amendment. Only a distortion of history could support the insinuations that the newspaper violated national interests.

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