

A Far Greater Danger

By Tom Wicker

For everybody but Daniel Schorr and the so-called House Ethics Committee, the story was a quick trip in and out of the headlines. Last winter, by a bipartisan 9-to-4 majority the Select Committee on Intelligence—which had been investigating the Central Intelligence Agency for almost a year—voted that its final report did not disclose national security secrets, and could therefore be published. But the full House of Representatives, acting under the pressure of C.I.A. and Administration charges that the report did endanger national security, voted 246 to 124 to keep the report secret.

Predictably enough, a text was nevertheless published in *The Village Voice* of New York, and detailed accounts of the report's contents also appeared in *The New York Times* and other newspapers, as well as in Mr. Schorr's CBS broadcasts. After first denying it, Mr. Schorr conceded that he had made a text of the report available to *The Voice*.

The House then authorized its Ethics Committee—which had never investigated anything much before, least of all the conduct of the House members it had been established to monitor—to find out where Mr. Schorr had obtained the text that ultimately appeared in *The Voice*. Since he considers the identity of his source privileged under the First Amendment to the Constitution, he is ethically and professionally obliged to protect that identity; but if the committee demands that he name his source, it could hold him in contempt of Congress and have him jailed for refusing to answer.

But it is a dubious proposition indeed that the House had the right

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to vote to keep secret a document compiled by elected officials who had used public funds to conduct an investigation of a Government agency. The House may not have been required to publish the document itself, but under what authority did it have the right to nullify the First Amendment and decree that no one could publish it?

Nevertheless, after a seven-month investigation, or something, during which Mr. Schorr has been suspended from CBS News, the Ethics Committee has subpoenaed the correspondent to testify this week about the release of the report. Since not only his livelihood and freedom but the public's right to know what its Government is doing are at stake in this inquiry, Mr. Schorr's attorney, Joseph A. Califano, has properly raised important questions in response:

Will the committee please, he wrote Chairman John J. Flynt of Georgia, "identify precisely those portions of the final report, if any, that it believes would harm or have harmed the national security?" Will it provide documents from the C.I.A. or any other agency "that identify those portions of the final report, if any, release of which would harm or have harmed the national security?" Will the committee also provide "any concrete evidence . . . which demonstrates harm to our national security as a result of its publication?"

The point is obvious—did publication of the report in fact justify the fears of the House that national security would be endangered? Were those fears realistic or hysterical? And if no damage to national security can be shown, what is the purpose of further Government inquiry into Mr. Schorr's sources and journalistic activities?

These questions are important because the records of the last few years are replete with efforts on the part of the Government to cover mistakes, embarrassments, misdeeds, political actions and self-serving policies with the label of "national security"—just as the Nixon White House tried to stop the F.B.I. inquiry into the Watergate burglary by falsely claiming that C.I.A. operations might be undermined or exposed.

Just this summer, for one shocking example, a Freedom of Information suit exposed the Government's pitifully weak attempt to justify, in 1971, its claim that publication of the Pentagon Papers endangered national security. In a secret hearing before Federal Judge Gerhard Gesell, officials offered the following "evidence":

¶ "One contact that I personally had in Hanoi . . . dried up," said a deputy assistant secretary of defense dealing with American prisoners in North Vietnam; no further details were given.

¶ Canadian officials "expressed concern" about what the Canadian people would think about Canadian efforts to help the United States reach a peace settlement in Vietnam.

¶ The Prime Minister of Australia found publication of the Pentagon Papers "appalling."

Did Daniel Schorr's action in releasing the House Intelligence Committee report cause or risk even such minuscule consequences as those? If so, no one has as yet demonstrated what those consequences were. By comparison, the chances seem overwhelming that the Ethics Committee hearing will damage Mr. Schorr, impair the public's right to know and chill the future activities of inquiring journalists.