

Liberty in Shackles

by Tom Wicker

[From column on Samuel Popkin:]

At least two things ought to be borne in mind here. First, there is no statute by Congress that authorized anyone in the executive branch to classify the Pentagon Papers or anything else top secret; that was done by Executive order, which is the only instrument anyone could have violated in telling a scholar about these documents (a collection compiled, ironically enough, for historical purposes). The Government could not properly prosecute anyone for such a disclosure, even if Professor Popkin would identify his sources; but they could harass, reprimand, demote or fire such sources.

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These two points in conjunction - that there is no statute underlying this case, so that there has been no criminal act at which the investigation could be directed; and that the Government has shown no need for the information and no purpose in seeking it - raised the sad but necessary question whether the real intent here is to discourage Government officials from talking to newspapermen or scholars because of their fear that their identities will become known to Federal grand juries.

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