

JAN 30 1973

THE NEW YORK TIMES, TUESDAY, JANUARY 30, 1973

# 'Publish, and Be Damned'

By Tom Wicker

Self-censorship may well be a graver threat to a free press in America than anything the Government is able to do. That is the trouble with the Twentieth Century Fund's well-intentioned plan to establish a press council to monitor the performance of national news organizations.

The New York Times has announced that it will not cooperate with the council, and there are some other major holdouts; but enough others have agreed to participate—most of them reluctantly—so that the council probably will get off the ground. Probably nothing could please the Administrator's press watchdogs more.

It is true that, with their well-known hostility toward at least the "Eastern liberal press," and given a re-elected President's hard-nosed new attitudes, the Nixon men pose a substantial threat. But in trying to act through official means to cripple the press, they will encounter constitutional barriers, Congressional resistance and perhaps even some public hostility.

Congress and the legislatures, for example, have the power to undo much of the damage done to a free press by the Supreme Court's decision restricting a reporter's right to pro-

tect the confidentiality of his sources.

Nor does Congress have to pass the Administrator's so-called Whitehead bill, which would set local stations to do the censor's work on network news broadcasts. And it is by no means clear that the courts ultimately will tolerate the Government's novel interpretation of the espionage statutes, amounting to establishment of an official secrets act, under which Dan Ellsberg and Anthony Russo are being tried in the Pentagon Papers case.

But one thing is perfectly clear about these developments, as well as the Administrator's attempted prior restraint on publication of the Pentagon Papers, and the various strictures on the press periodically voiced by Mr. Nixon and Vice President Agnew. It is that they have planted the fear of retribution in any number of publishers, editors and broadcasters.

It is precisely that fear that underlies the plan for a private press council; the basic idea, however sugar-coated, is to clean up the press before the Government comes in to do the job. That, not so incidentally, is what such friends of the press as Herbert Klein and Pat Buchanan are forever urging the press to do.

Thus, much of the press is now moving — through the press council

## IN THE NATION

idea—toward precisely the self-censorship that, in all probability, the Administration has been hoping for all along. This is not to argue that there is anything wrong with self-censoring and a sensible effort to correct errors and maintain a scrupulous fairness. The danger is in institutionalizing that self-censoring in a press council or any other such instrument.

For one vital thing that would concede the point that such a watchdog body is needed—when the fact is that the American press does not really need self-censorship, particularly in reporting on the Government. It needs, instead, a vigorous new spirit of inquiry, a bold new determination to make its commitment to truth as it can be perceived, rather than to any Administration, any ideology or any Government-defined statement of the national interest.

The press council idea pre-supposes, for another thing, that the council itself will be altogether objective and unbiased (even as some suppose the press itself should be), when no one can be. As Wes Gallagher of the Associated Press has pointed out, the press council will be as subject to partisanship as any other group.

It is well-known, for one example,

that numerous responsible, honorable and fair-minded persons disagreed with The Times' decision to publish the Pentagon Papers. That did not make them right. It is entirely conceivable that a press council numbering such men or women among its members could have either condemned that publication, or at least issued a divided report. That would have had great public weight. Can the American press, with its constitutional responsibilities, really cooperate in such a potential limitation upon its right to publish, and upon its willingness to do so fearlessly and powerfully?

Apparently much of it can; and so the likelihood is that once the council is established and issuing its reports, editors, publishers and broadcasters will begin to seek its favor—at least to avoid its disfavor, which might produce that of the public. Since no one can say in advance precisely what the dominant influences and prevailing attitudes of such a council will be, the process of pleasing it or not distressing it could become a dangerous form of self-censorship.

That the press council would aim to keep the press "free" by making it more "responsible" is a contradiction in terms. If the press is truly free, it follows that it will not always be "responsible"; and anything that tends to enforce its "responsibility" necessarily makes it less than free.