

The Fearless Spectator

Charles McCabe

Private Government

MRS. KAY GRAHAM, an attractive widow, is the owner of the Washington Post. She is also the more or less unsung heroine of the Watergate affair, the person without whose determination and guts in the face of the opposition from the most powerful man on the planet, the whole wretched tale might have been successfully white-washed.

Mrs. Graham was rewarded the other day when her paper got a Pulitzer Prize for its Watergate reporting. Taking nothing from the two reporters who were cited, there are hundreds of journeymen reporters in the country who could have done the job if backed by a publisher with the resources and relentlessness of Kay Graham.



Yet, if a press control measure recently sent by President Nixon to the Congress were made into law, Mrs. Graham would be more likely getting seven years in jail than a Pulitzer Prize. There has been far too little publicity about this odious proposal.

★ ★ ★

THE MEASURE is buried in the 680 pages of Mr. Nixon's proposed revision of the U.S. Criminal Code. This is the measure which, in Mr. Nixon's proud words, would restore the death penalty, deal more heavily with drug traffickers, and change the traditional insanity plea in defense procedures. Mr. Nixon did not proudly mention his press gag bill.

Under the proposal, any government employee who turned over to "an unauthorized person" any of

the 20 million documents now marked secret or some other classified status would be guilty of a felony, with several years penal servitude as the enforcer. Any reporter who published any classified information would be guilty of a felony.

Not only the reporters could be jailed, but so could their editors, their publishers and whoever distributes what they have printed. If a government employee knew another was distributing classified information to a reporter, he would be guilty of a felony unless he informed on his fellow worker.

★ ★ ★

SINCE THERE are 20,000 government workers who are entitled to classify documents, and since these men do what they are told by their superiors, what we have here is a proposal for private or even secret government, with the press totally excluded as an effective investigative system, and the First Amendment tossed into the paper-shredder.

That such a proposal could be sent from the White House indicates the near-pathological hatred Mr. Nixon has for the press and public disclosure on any terms other than his own. It is, in truth, a frightening proposal.

Senator Edmund S. Muskie is one of the few legislators who seems aware of what is happening. In a recent speech he said this measure "goes far beyond any laws we have had, even the emergency requirements of World Wars I and II. He continued:

"A reporter who catches the government in a lie, who uncovers fraud, who unearths examples of monumental waste could go to jail — even if he could show, beyond any question, that the government had no right to keep the information secret and that its release could not possibly harm the national defense."

★ ★ ★

THIS VENGEFUL and clearly unconstitutional measure is of a piece with the extraordinary statement of former Attorney General Richard G. Kleindienst to a Senate committee that President Nixon had the power, if he chose, to wrap the dubious doctrine of executive privilege around all 2.5 million employees of the executive branch of government. This would mean any one in government would never have to account for himself to Congress, or presumably anyone else, if the President so decreed.

That this latter theory and the earlier press gag proposal can be related to Watergate can hardly be doubted, though the ideas probably would have surfaced eventually anyhow. That Mrs. Graham would have been one of the first victims of the gag rule, if passed, can also hardly be doubted. Instead she is being honored, and properly.