Soldiers and Scribblers: A Common Mission

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Ever since the invasion of Grenada in October 1983, military officers and members of the press have debated the role of the press in covering military affairs, including combat operations. At the war colleges in Washington, Carlisle Barracks, Newport, and Montgomery, as well as in other forums, that debate has roamed over the place of the press and television in American life, the pros and cons of military coverage, and how soldiers and scribblers should treat with one another. The objective has been to defuse the bitterness, rooted in Vietnam and manifest in the absence of first-hand coverage of Grenada, that has so divided two vital institutions.

Sad to report, there's not much evidence of progress. In session after session, the same questions and allegations come up from military officers and many of the same answers are given by journalists. Granted, the audiences change from year to year, but few explanations from journalists seem to be getting through. Nor is there much evidence that military concerns are getting through to editors who make day-to-day decisions.

After having taken part in about two dozen such sessions, I have come to at least one conclusion: Military people really don't know much about the press and television. Random samples in seminars of 15 people and audiences of 300 officers, mostly field grade, show that only about half have ever talked seriously with a journalist, and less than a third more than once. Few military officers have done the factual research needed to determine whether their scant experience with the press is typical or atypical; few have done the content analyses to see whether their impressions can

withstand scrutiny; few have examined the First Amendment, the development of the press and television, or the roles that gatherers of news have played in the military history of the United States.

Lieutenant Colonel Gerald W. Sharpe, a student at the Army War College in 1985-86, put together a useful—and revealing—study of the experience of his classmates with the press and their consequent attitudes. Colonel Sharpe reported that "more than half the respondents (53.5 percent) had never spent more than one day with the media." He found that 69 percent had spent no time with the media during their last assignments. In addition, he wrote, "More than one half of the officers indicated that they had less than one day of training in their careers about the media and more than 71 percent had three days or less."

Thus, he concluded: "Many senior officers have had very little personal experience in a direct working relationship with the media and have had even less formal training about how the media works or its roles and missions in American society. In spite of this, they hold very strong negative views about the media."

In short, it would seem that the vast majority of military officers have vague impressions, emotional reactions, and gut feelings about the press and television but are, in fact, operating in ignorance. That is a harsh word, admittedly, but the facts would appear to justify it.

The reasons for the ignorance, which were beyond the scope of Colonel Sharpe's research, would seem to be three. First, American high schools and universities do little to teach young citizens about the function of the press and television. The schools teach political science, economics, and sociology but not much about the grease of communications that makes national institutions work. Second, the military educational system does little to teach officers about the various media. A "media day" at a war college and a half day in "charm school" for freshly minted generals and admirals are not enough.

And third, we in the press do a miserable job of explaining ourselves. As large segments of American society—military officers are far from alone in this—have recently questioned the ethics, motives, accuracy, fairness, and responsibility of the press and television, editors and reporters

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belatedly have come to realize that their institutions are in deep trouble. Even so, we have been slow to respond and are still, in this correspondent's view, well behind the curve.

Here, then, is one reporter's summary of the questions asked, complaints made, and allegations charged by military officers since Grenada. These are my own replies based on three years of meetings with military people, seven years of covering the armed forces, and thirty years of experience in journalism. Let it be underscored that what follows represents the views of no one else even though it takes into account what other journalists have written or said. In addition, let it be understood that the battles of the press and the armed forces over Vietnam itself will not be fought again here. With the passage of time, that conflict between officers and journalists has become less germane to the issues of the day and is being shifted, rightly, to the province of historians.

• ***The Media.*** Military officers and civilians alike talk about "the media" as if it were a single, monolithic, structured institution.

The institution is, in fact, quite the opposite. There is no such thing as "the media," no lockstep, all-encompassing institution, any more than there is "the military" or "the military mind." For one thing, "media" is plural, not singular. The media include an almost breathtaking diversity of channels of information. Among them are news agencies or wire services, radio, television, newspapers, weekly magazines, monthly magazines, quarterlies, books, and, in some definitions, motion pictures.

Within the realm of newspapers, there are major metropolitan papers like *The New York Times* and the *Los Angeles Times*, regional papers like the *Boston Globe* and the *Chicago Tribune*, a host of local dailies and weeklies, and not a few scandal sheets. Within newspapers are the news columns, features, analytical articles, editorials, and columnists. Radio and television include national networks and the local stations. National Public Radio and cable television add to the diversity. What is known as the trade press adds still another dimension. In the military field are, to mention but a few, *Defense Daily*, a newsletter; *Defense Week* and *Aviation Week*; *Armed Forces Journal* and similar monthlies; plus quarterlies like *Parameters*, the *Air University Review*, and, perhaps the latest on the scene, the *Naval Submarine Review*.

In sum, "the media" is a myth.

• ***The power of the press.*** Many Americans have asserted that the press and television have become too powerful. Perhaps the case most often cited is the resignation of President Nixon under pressure.

Like "the media," the power of the press is a myth. The press has *influence*, not power, and the distinction is important. Military officers have power in that they have the legal and, if necessary, the physical force to have orders obeyed. The press has neither, and cannot enforce anything.

On the other hand, the press and television exert enormous influence on the public agenda by what they select to publish or broadcast and what they choose to ignore. In some cases, a newspaper can set the public agenda for many months, as *The New York Times* did with the Pentagon Papers. Conversely, newspapers are often criticized by vested special interests for ignoring their particular causes, both right and left.

The determining factor in what is published and what is withheld is that elusive thing called news judgment. It is perhaps the most difficult element to define in all journalism. News judgment is a combination of deciding what the public needs to know, wants to know, and has a right to know. News judgment derives from an editor's or reporter's sense of history, experience, point of view, taste, and that intangible called instinct. It is, and journalists should acknowledge this freely, a subjective judgment on which two journalists will often disagree. Differing news judgments are the cause of differing front pages or differing ways in which an article is written. The saving grace is that, over time, extreme news judgments do not survive because competition provides a check and balance.

Regarding the press and President Nixon, history shows that the press, notably *The Washington Post*, influenced the public agenda by bringing the Watergate caper to public attention and by continuing to dig into the story. But there came a time in that episode when the press ran out of steam because it lacked the authority to issue subpoenas or to force testimony. The issue then passed to the Congress and the courts, following constitutional procedures, and it was those institutions, not the press, that forced Mr. Nixon to resign.

- ***Right to know***. Many military officers hold that the concept of "the people's right to know" is not in the Constitution and has been made up for the convenience of the press.

Most journalists would argue that the people's right to know is implicit in the First Amendment and was among the basic reasons the Founding Fathers adopted the amendment. Just where the explicit phrase originated is not clear, but among the earliest references to it is one from an Army officer, Brevet Major General Emory Upton, who wrote a book after the Civil War titled *The Military Policy of the United States*. In that work, General Upton sought to explain the lessons of the war and to seek improvement in the nation's military posture. In the introduction, he made a signal contribution to the understanding of the First Amendment:

> The people who, under the war powers of the Constitution, surrender their liberties and give up their lives and property have a right to know why our wars are unnecessarily prolonged. They have a right to know whether disasters have been brought about through the neglect and ignorance of Congress, which is intrusted with the power to raise and

support armies, or through military incompetency. Leaving their representatives free to pay their own salaries, the people have a right to know whether they have devoted their time to studying the art of government.

• ***Motives***. In Colonel Sharpe's research, he found that "written comments on the chief causes of the conflict between the Army and the media reveal a basic distrust of the media's motives and objectives." In discussions, many officers have asserted, "You do it for the money." Or, in a more general allegation, "Everything you do is just to sell newspapers."

The first charge, to be candid, is laughable and on a par with saying that an officer joined the Army to get rich. A few television personalities, to be sure, drive to the bank each week in armored cars. Generally, salaries on major publications are behind those in the military service, given equivalent education, age, and time on the job. On smaller publications, salaries are far behind.

Young men and women become journalists for many reasons. Among them are a curiosity about the world, the chance to travel and to meet all sorts of people, and the opportunity for personal recognition. The newspaper byline is like the insignia of rank worn on an officer's shoulders. The unpredictable excitement and the driving pace appeal to many journalists, and the competition turns most on. For some, reporting and writing is a way of helping to set a national or state or local agenda and thus to influence the life of the republic, which is a form of public service.

On the second point, most publications exist on what is known as the three-legged stool of news, circulation, and advertising, a concept that appears little understood outside of journalism. The critical leg is content. To be successful, a publication must provide something people want to read or believe they need to read. Because different people want or must read different things, different publications cater to different audiences. Conversely, if a publication does not provide what people want or need, it will fail. The journalistic graveyard is full of monuments to publishers and editors who did not understand that point.

The provision of good or necessary or useful reading material is what builds a subscription list or newsstand sales, which add up to circulation. Because advertisers want to reach those same readers, they buy advertising space. In another little-understood point, it is the sale of advertising space, not the sale of newspapers, that provides far and away the largest part of a publication's income. That income, in turn, pays for salaries, travel, newsprint, and the other costs of publishing a paper.

The same cycle is true of television—content, viewers, advertising time—and of magazines. Only the wire services, which carry no advertising, earn their income from the sale of their product.

A legitimate question is whether a publication can be controlled by advertisers. In large publications, with many diverse advertisers, the answer is no. Local newspapers are more susceptible to pressure from a few dominant advertisers. But if the content of the paper is so good the community will not do without it, even smaller papers can withstand pressure from advertisers.

Critics assert that the press and television are merely commercial enterprises, implying that they should not have the place given them under the First Amendment. But that argument overlooks the reality that a news enterprise in America's capitalistic society must earn money to do its job. The alternative is government ownership. Down that road, as history as shown amply, lies the sort of totalitarian regime found in the Soviet Union.

• ***Ethics***. At the Air War College, an officer rose in the auditorium to ask, "What a lot of us have on our minds is: Do you guys have any ethics?"

The answer is yes.

Reflecting the independence of the press invested by the First Amendment, there is no sweeping code of ethics imposed on the press from the outside. Each publication or network fashions its own, some of which is written, other of which is understood. Professional groups, such as Sigma Delta Chi, have canons that have been published as voluntary guidelines.

At *The New York Times*, for instance, there is a thick file of policies, like case law, that has accumulated over the years. For example, top management recently circulated a memo updating the policy on conflicts of interest. No reporter may write about a company in which he or she has invested, or cover an institution with which he may be remotely connected. Business reporters may not trade or play the stock market. An education reporter may not run for the school board nor a political reporter for the city council. A sportswriter may not accept free tickets. Military correspondents should not own stock in a defense industry. No one may accept a gift or take a junket.

Beyond that are individual ethics learned from parents, teachers, churches, and role models. Like motives, they vary by person, with some journalists working with unquestioned integrity and others, unhappily for the craft, skating on thin ethical ice.

• ***Professionalism***. The allegation holds that journalists, unlike doctors, lawyers, and military officers, are not professionals.

In a narrow sense, that is true. In keeping with the First Amendment, journalists are not licensed by government in the manner of the traditional professions. The practice of journalism, moreover, is a highly skilled craft, perhaps even more art than science.

In the best journalists, professionalism is an attitude, a cast of mind, an instinct, and a demonstration of skill at reporting, writing, and

explaining with integrity, accuracy, and fairness. The finest compliment one journalist can bestow on another is to say that he or she is a "pro." Conversely, to be labeled an amateur is to be scorned; unfortunately, journalism today has its share of amateurs.

• ***Accountability.*** A corollary to the questions of ethics and professionalism is the allegation that unlike military officers, the press is not accountable. Some assert that the press is irresponsible.

While members of the press and television are not accountable in the formal manner of military officers, they are definitely held accountable through a network of public opinion, constitutional and legal restraints, competitive pressures, and company policy. In many ways, the press is held as accountable as any institution in America, and perhaps more so, given its visibility. The people to whom a newspaper is most accountable are its readers. If they don't like what the paper reports, they stop reading it. If they don't like a TV news anchor, they switch him off. The comment is often made that nobody elected the press, which is true. But the press is voted on more than any other institution in America, and journalists more than any elected official. A daily newspaper or television network faces the voters every day, and is given a thumbs up or thumbs down. If the thumbs continue to turn down, the journalist can be out of a job or the newspaper out of existence.

Second, the First Amendment, while broadly written, is not absolute and has been refined by the Supreme Court. Justice Oliver Wendell Holmes, an eloquent defender of the First Amendment, wrote perhaps the most famous and most useful test of freedom of speech and the press in the case entitled *Schenck* v. *the United States*. He said:

> The character of every act depends upon the circumstances in which it is done. . . . [T]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. . . . [T]he question in every case is whether the words used are in such circumstances and of such a nature as to create a clear and present danger.

Libel laws, especially under recent court rulings, impose marked restraints on the press, particularly with regard to accuracy. Other checks come from competitors. A newspaper making a mistake can be almost certain that it will be corrected the next day in the opposing paper. Head-to-head newspaper competition, unfortunately, has declined in recent years because papers have failed or been merged with more successful publications. Even so, the various media compete with one another; *The New York Times* considers ABC News and *Time* magazine to be as much the competition as *The Washington Post* or *Newsday*.

Lastly, individual reporters are held accountable by their employers. Minor mistakes, if they are few, are tolerated in an imperfect world, but glaring or frequent mistakes are not. Janet Cooke, who wrote a fictitious story for *The Washington Post*, and Foster Winans, who fed inside information from *The Wall Street Journal* to a stock broker, no longer work in journalism.

• ***Inaccuracy***. The allegation is that the press all too often just doesn't get things right.

This is probably the single most legitimate complaint among all of those heard. The press and television are rampant with errors of fact, many of them minor, such as getting an officer's rank wrong, or misquoting him slightly but enough to change the meaning of what he said, or leaving out an important qualifier that would have put the event or speech into perspective.

It is the accumulation of small error, moreover, that has so eroded the credibility of the press today. Worse, many editors and reporters are cavalier about it, passing off errors as inevitable given the amount of information that is gathered, collated, and printed against daily deadlines.

Mistakes are made for a multitude of reasons. Reporters may hear things wrong, or fail to check or follow up. An inexperienced reporter, like a second lieutenant or ensign, may not have understood the nuances of what he has heard or seen. Editors, whose view of the world often differs from that of their reporters, may insist that a story be written to conform with their views. Copy editors may make careless changes, cuts, or insertions that change facts and meaning, or allow the error of a reporter to slip by.

The culprits are mostly time and competition. There is a daily rush to judgment in which facts are assembled and decisions are made by reporters and editors with one eye on the clock. It is common for a reporter to learn something at 4 p.m., to have one hour to check it out and gather more facts, to begin writing at 5 p.m., and to finish a 1000-word article at 6 p.m. After that, a senior editor may have 15 minutes to scrutinize the story for general content and a copy editor 30 minutes to get it ready for the printer. That is not much time.

Interestingly, and perhaps paradoxically, the public seems to forgive big errors more readily than small ones. The episodes involving Janet Cooke and Foster Winans are seen as aberrations; Cooke and Winans are seen as dishonest journalists who deliberately did something wrong but who do not represent the vast majority of journalists.

But readers and viewers, rightly, do not forgive mistakes of omission or commission, especially when the report is about something on which they are informed. Do we hear about it? You bet. There is always a reader out there who scrutinizes the paper with a dictionary in one hand and a microscope in the other, who takes considerable pleasure in catching the newspaper in the wrong and calls to say so. But, if truth be told, their ad-

monitions are all too often received politely and then brushed aside with little lasting effect.

• ***Slanted news***. Many military officers charge that much in the press is not objective and thus is unfair.

What is said to be slanted news, however, often depends far more on the reader than the writer. It is a question, in the worn analogy, of seeing the bottle half empty or half full. Perhaps the objective way would be to describe the 16-ounce bottle as holding eight ounces of liquid and letting the reader decide for himself.

That is inadequate, however, when the writer seeks to explain what is going on. Increasingly, the role of journalism in America is not merely to describe what's in the bottle but to explain why and how it got that way and what it means to the community or the republic. What was once called "interpretive journalism" has gotten a bad name because of abuses. Today, many journalists seek to practice what might be called "explanatory journalism," which means assembling facts in a way that makes sense to a reader and then explaining them. Enter the element of judgment, which immediately puts the reporter on a slippery slope, with few ever being sure-footed enough to traverse it all of the time without taking a fall.

That reporters are not objective is partly true because no human being is fully objective. Each has a point of view that derives from his upbringing, education, and experience. That becomes a set of values that a journalist applies to his work. Some journalists covering military affairs, for instance, believe that military power is needed to protect the United States in a rough and tumble world. Others believe that military power is

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The delayed arrival of reporters on Grenada is still controversial.

evil and if the world were rid of it, prospects for the survival of the human race would be more promising. The point of view that a journalist brings to his or her work thus does much to determine what he or she chooses to cover and how. The journalist who thinks that military power is necessary will focus on one set of facts, while the journalist who dislikes military power will assemble a different set of facts. It should be said here that the "journalism of advocacy" found primarily in the "alternative press" is anathema to professional reporters.

Stripping a reporter of his point of view would be impossible, but good reporters acknowledge, to themselves and in the copy, that there are other points of view. It is there that balance, perspective, and fairness come into the writing. Achieving that balance may be the hardest thing in journalism, and the journalist only deceives himself and his reader if he thinks he does a good job of it every day.

• ***Bad news.*** A common cry: "You never print anything but bad news."

That is only partly true. Like slanted news, whether news is good or bad is determined far more by the reader or viewer than by the reporter. A headline reading "Nixon Resigns" may be bad news if the reader is a conservative Republican but good news if he is a liberal Democrat. Conversely, the headline "Reagan Wins Reelection by Landslide" is considered good by Republicans, not so good by Democrats.

Moreover, few people remember the good news. A suggestion for a war college research paper: Establish criteria as to whether news is good, neutral, or bad. Take the main news section of any newspaper for a month and divide the articles into those categories. The majority will most likely be neutral. Then sample other officers to see which articles they remember.

The allegation is right, however, to the extent that things going wrong are newsworthy. Americans expect things to go right, and that is not necessarily news, because news is what makes today different from yesterday. Americans expect military officers to be competent, tanks to be bought at the lowest possible cost, and airplanes to fly right-side-up. Soldiers and sailors are the sons and daughters of the readers; they expect officers to care for the troops, and when that doesn't happen they want to know about it. When tanks cost too much or planes don't fly right, the readers want to know why the government has not spent their money well.

• ***Invasion of privacy.*** Many Americans believe that journalists too often invade the privacy of prominent and private citizens alike.

There is some truth to this allegation, but less than meets the eye. Newspaper reporters and, more often perhaps, television cameramen set up what are known as "stakeouts" near the home of a person under investigation, or barge into living rooms at times of distress, or pursue people who wish not to be interviewed. Occasionally a reporter does not identify

himself when asking questions, which is particularly reprehensible when talking with people inexperienced in dealing with the press.

On the other hand, by far the majority of people who appear on camera or who are interviewed by a reporter do so willingly. No law forces people to talk when they don't want to, save under subpoena. Curiously, for some people who have just suffered a loss, such as the death of a member of the family at the hands of a terrorist, talking through the press to neighbors and compatriots has a cathartic effect. It helps people to get their grief out where it can be handled. It may also be a trait particular to Americans that we are ready to try to comfort neighbors, though they be strangers, in an hour of need, and we want to know who is hurting. Witness the outpouring of sympathy to the families of the Marines killed in Beirut, or the hay sent by farmers in the Middle West to farmers in the South during the drought.

In addition, readers and viewers never know about the times a reporter asks to interview a person who has suffered a loss but backs off when that person says no. It happens, and often, but the only thing the reader may see is a line saying Mrs. Jones was not available.

- ***Hidden sources***. The complaint is worded something like this: "When we read you in the paper, we don't know where you got your information or whom you've been talking to."

It's a fair comment and a valid criticism. Far too much in the press and on television today is hidden in what journalists call "blind sourcing." That's especially true in reports from Washington that cite "Administration officials," "a policymaking official," "military officers," "congressional staff aides," "defense industry executives." For all the reader knows, those sources could have been office boys answering the telephones.

While the press is primarily to blame for blind sourcing, Administration officials, military officers, and congressional staff aides who decline to speak for the record must assume some of the responsibility. More often than not, the reason for not going on the record has nothing to do with national security or government policy but has everything to do with protocol. The colonel doesn't want his name in the paper for fear the general will be upset; the general doesn't want to be quoted because the assistant secretary will be miffed; the assistant secretary thinks the secretary or even the White House should be the source.

Reporters, confronted with that, agree all too readily to take the information on "background," which isn't background at all but not for attribution for reasons of protocol or politics. A careful reader will notice that the vast majority of non-attributed stories come from within the government, and mostly from within the Administration. The press thus permits itself to be used by the Administration to float trial balloons, to advocate or oppose policies without being held reponsible for the comments, and to play all manner of diplomatic, political, and bureaucratic games.

Periodically, journalists in Washington try to tighten up the use of blind sourcing, but those efforts have failed so far because everyone fears losing a competitive advantage. One newspaper might say it will no longer accept blind sourcing; that will last until its competitor comes out with a hot story citing "Administration sources."

• ***Arrogance***. Often the charge of arrogance seems to mean bad manners on the part of reporters, and particularly reporters on television who are more visible than those in print. But print reporters are also held culpable by officers who see them in action at press conferences, whether in Washington or elsewhere.

This, too, appears to be a legitimate complaint. Reporters have been caught up in, and probably have contributed to, the general decline of civility in American life. Many reporters, especially young reporters, seem to think that acting like tough guys out of the movie *Front Page* is necessary to do their jobs. In their defense, and it is admittedly a lame defense, reporters are no more rude than many lawyers, government officials, policemen, bicycle riders, secretaries, business executives, and diplomats.

Even so, the reporter who often asks the best and toughest questions in a Pentagon news conference, Charles Corddry of the *Baltimore Sun*, is a gentleman who rarely raises his voice and is consistently courteous. In his time, Mr. Corddry has skewered the most evasive senior political and military officials with penetrating questions that have left them mumbling like schoolboys. But it has been done in a civil manner.

• ***Liberals***. The allegation is that the media are controlled by liberals.

That must come as a shock to *The Wall Street Journal*, the *Los Angeles Times*, the *Chicago Tribune*, the *Washington Times*, the *Manchester Union Leader*, the *San Diego Union*, and several hundred other papers, not to say *U.S. News and World Report* and the *National Review*. Columnists such as William Safire of *The New York Times*, James J. Kilpatrick and George Will, whose work appears in *The Washington Post*, and William Buckley, whose views appear not only in *National Review* but in other outlets, must be amused.

There are several problems with the allegation that liberalism runs rampant in the press. First, few people agree on what a liberal is; definitions run from 19th-century liberalism to 20th-century socialism. Second, even a 1981 study by two academicians, Robert Lichter and Stanley Rothman, didn't make the case that what they called the "media elite" was heavily liberal. They found that barely half of the reporters considered themselves liberal, that the vast majority took conservative economic positions such as favoring private enterprise, and that many reporters were liberal primarily on social issues such as civil rights. A 1985 survey by William Schneider and I. A. Lewis in *Public Opinion*, published by the conservative American

Enterprise Institute, addressed a more important question: "Do readers detect any bias when they read their daily newspapers?" The authors concluded: "Not really. . . . There is no evidence that people perceive the newspapers they read as strongly biased to the left." In a similar study in *Public Opinion*, Barbara G. Farah and Elda Vale asserted: "The professional standards of journalism dictate that no one gets a break. Ask George McGovern, Edward M. Kennedy, or Geraldine Ferraro whether liberals are treated with special solicitude by the press."

Put another way, if the press is so pervasively liberal, how come Ronald Reagan won 49 of 50 states in the 1984 election?

• ***Operational security***. Many officers assert that the presence of the press during a military operation jeopardizes security.

That is an allegation without basis in historical fact. An examination of the record in World Wars I and II, where there was censorship, and in Korea and Vietnam, where there were guidelines but no censorship, shows that rarely did the press endanger operational security. In Vietnam, Barry Zorthian, long the government's chief spokesman, has said he knows of only a half-dozen instances in which a correspondent broke the guidelines; three of those were inadvertent.

The record is not perfect. In a recent case, a wire service report disclosed a Marine fire direction team's position in the mountains behind Beirut during the conflict in Lebanon. That did jeopardize the operation and perhaps the lives of those Marines, and it should not have been printed. The dispatch could have been written in a way such that the facts were made known without giving information useful to an adversary.

Over the long run, however, the record shows that with a modicum of common sense, consultation, and planning, military forces can preserve operational security while correspondents go about their jobs. At the end of a long discussion of this issue at the Naval War College, a retired admiral asserted: "Operational security is not the issue. The issue is that when you write about us, you make us look bad."

The admiral had it exactly right—operational security is not the issue.

• ***Classified information***. Perhaps no single question is raised more, and with more heat, than the allegation: "You print classified information."

Right. The press has published classified information in the past and will in the future. For one thing, the classification system is almost a farce, is abused for political and bureaucratic reasons that have nothing to do with national security, and thus breeds contempt. For another, there are laws and court decisions that govern what may and may not be printed and the press is obliged to operate within those constraints, but they do not cover most classified information. Third, responsible publications are keenly

aware that the release of sensitive information—which is not the same as classified information—could jeopardize lives, operations, intelligence sources, or technical capabilities.

Legally, it is important to understand that there is no law authorizing the classification of information, or forbidding the publication of classified information. The classification system is based in executive orders, the latest being Executive Order 12356, signed by President Reagan in April 1982. By definition, executive orders apply to members of the executive branch, and to no one outside it. A journalist or any other citizen, therefore, breaks no law by disclosing classified information.

Several narrowly written laws apply to journalists as well as to other citizens. One is found in sections 793 through 798 of Title 18 of the *U.S. Code*, forbidding the disclosure of intelligence gained by communications intercepts. Another is the law that forbids the public identification of intelligence agents. A third is in certain sections of the Atomic Energy Act pertaining to nuclear weapons.

What about the espionage laws? The Association of the Bar of the City of New York recently did a study of that statute, which forbids the unauthorized disclosure of information to a foreign nation with the intent to do harm to the United States. In its report, the association said: "We conclude that prosecution under the espionage laws is appropriate only in cases of transmission of properly classified information to a foreign power with the intent to injure the United States or to aid a foreign power."

Note several phrases: The association said "properly classified information," not just any classified information; "to a foreign power," not to American citizens, voters, and taxpayers; "with the intent to injure the United States," not to foster the public debate on serious issues confronting a democratic republic.

The association went on to say: "Other uses of the statutes, such as prosecution of the media or those providing information for the sake of public debate, are inappropriate."

What about moral obligations? The journalist, indeed, must deal with serious moral obligations when he gains access to sensitive information that, if disclosed, would cause jeopardy to life, the security of troops, a piece of military technology, or a valuable intelligence source. The crux comes when the disclosure would cause direct, immediate, and irreparable damage. It would not make any difference whether the information was classified, but whether the disclosure would do genuine harm.

This view is rooted in the doctrine of "clear and present danger" enunciated by Justice Holmes and reinforced by other court rulings. In *Near* v. *Minnesota*, Justice Charles Evans Hughes said that in time of declared war, "no one would question but that a government might prevent . . . the publication of sailing dates of transports or the number and location of

troops." In the case of the Pentagon Papers, one justice wrote that publication of national security information could be prohibited if the government could show that it would "inevitably, directly and immediately cause the occurrence of an event kindred to imperiling the safety of a transport at sea." Two other justices, in a concurring opinion, said the government must present proof that disclosure "will result in direct, immediate, and irreparable damage to our nation or its people."

There have been instances, not generally known because of their sensitive nature, in which journalists have withheld information that, if published, would have caused a clear and present danger. Several reporters in Washington, for instance, knew that American hostages had taken refuge in the Canadian Embassy in Teheran in 1979. To have printed that would surely have put those Americans in danger. *The New York Times* and other publications made a deliberate effort to determine which passengers aboard the hijacked TWA airliner in Beirut were military personnel so that their identity could be kept *out* of the paper. In another case, newspapers and networks for many months withheld information about the Central Intelligence Agency's attempt to raise a Russian submarine with the ship *Glomar Explorer*. Some of those decisions not to publish were made by editors who applied common sense and the standard of clear and present danger, while others were made after consulting with government authorities.

Editors have not always made the right decisions, but over the years many publications have been far more careful than anyone in the government has been willing to concede. Conversely, the government has failed to level with the press or has cried wolf so often that it has lost credibility. Both political parties have been guilty; it is not a partisan matter.

On classification itself, many journalists have little regard for the system because it is mindless. According to the 1985 report to the President from the Information Security Oversight Office, the latest report available, the Department of Defense alone made 22,322,895 original and derivative classification decisions that year. Of those, 446,458 were to classify something top secret.

Such numbers, on the face of it, are absurd. There are not nearly half a million things so secret that the disclosure of them would constitute a clear and present danger to the United States, nor would disclosure cause grievous damage to the national security. Justice Potter Stewart once wrote: "For when everything is classified, nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion."

As an example of mindless classification, the following paragraph was taken from a Navy budget document classified secret; the paragraph itself was also classified secret. It said, in full:

> The Navy must continue to attract and retain sufficient numbers of high-quality, skilled and motivated people. Compensation and quality of life improvements must be competitive in the job market. Ways must be found to reduce requirements for administrative functions, reduce personnel turbulence and permanent change of stations moves.

Had this paragraph been printed on every recruiting poster in the nation, it would not have harmed the national security.

Note, too, that complaints from government about classified information in the press usually describe the leak as "an unauthorized disclosure." In the eyes of many government officials and military officers, "authorized disclosure" is permissible if it serves their purposes. But that poses two different sets of ground rules, one for government, the other for journalists. Few journalists are willing to play in that rigged game; when the government cleans up the system and plays by the same rules it wishes to impose on journalists, then perhaps the system can be made to work.

• ***Leaks***. An Air Force lieutenant colonel suggested that military people were baffled by leaks. "Just how does a leak work?" he asked.

The popular notion of a leak is a "Deep Throat" who signals a reporter with a flower pot and then meets him draped in a black cloak in an alley in the dark of night.

Not so. Most leaks occur in the light of day in the office of a senior political official or military officer, or someone on their staffs. The cliché holds that the ship of state is the only vessel that leaks from the top. It is a cliché, but it is also true. Relatively few leaks come from dissidents outside the government. Or, as a British official put it: "Briefing is what I do, and leaking is what you do."

A professor at Harvard, Martin Linsky, recently did a survey of nearly 1000 senior officials who held office from the Johnson through the Reagan Administrations, and interviewed 38 officials and journalists. From that, he concluded that 42 percent of the officials had at one time or another leaked information to a journalist. Professor Linsky also thought the percentage was really higher, saying: "Some who did would presumably not admit it and others would define their leaks narrowly enough so as to exclude their own practices."

The officials gave a variety of reasons for leaking: to counter a false report, to gain attention for a policy, to develop a good relationship with a reporter, to send a message to another branch of government, to undermine another official's position, to inform other officials and the public of a policy decision, to divert attention from another issue.

Stephen Hess, of the Brookings Institution, who has studied the operations and foibles of the press in Washington, identified six kinds of leaks in his book, *The Government/Press Connection*: the policy leak or

pitch to gain or to erode support; the trial balloon, which discloses a proposal under consideration to see who supports and who opposes; the ego leak, in which the leaker shows off how important he is and how much he knows; the goodwill leak, in which the leaker hopes to accumulate credit with a reporter for use later; the animus or grudge leak that seeks to damage the reputation or programs of an opponent; and the whistle-blower leak, usually the last resort of a person who has been frustrated in getting changes inside the government.

One more should be added, the inadvertent leak, sometimes called a tip. It happens when a source drops a hint that flags a reporter that something newsworthy is going on. The reporter then uses that to lever out more information elsewhere. This happens more often than is realized, and the original leaker may never suspect whence the tip came.

Lastly, rarely do leaks appear in the paper as the leaker intended. Most good reporters, knowing that leaks are self-serving, seek more information from other sources before going into print. Moreover, reputable newspapers do not print pejoratives from an anonymous source. Either the source puts his name on it or it's not fit to print.

- ***Reporters lacking military experience.*** Many officers complain that reporters, mostly young people, have not served in the armed forces and therefore are not competent to cover them.

The criticism does not hold. Capable reporters learn to cover politics without running for office, or business without having been entrepreneurs, or education without having taught school. Similarly, lawyers defend clients without having themselves stood trial and doctors treat patients for diseases they themselves have not suffered.

Having said that, a military reporter who has served in the armed forces can have an advantage over a competitor who has not. The reporter who has served may have a grasp of military culture and lingo that escapes his colleague and may have the credentials to establish rapport with military sources more easily. Remembering which end of the rifle the bullet comes out has rarely hurt a military correspondent.

On the other hand, the ranks of journalism today are full of reporters, editors, and producers who have been in military service—and hated every minute of it. They would not necessarily make better military correspondents than the reporter who has not served, and would not be welcomed by military sources.

- ***Taking up time.*** An Army major in a military-media seminar leaned back from the table and said: "You're a pain in the ass. A media visit is more trouble than an inspection by a three-star general."

Maybe so. But that is a self-inflicted wound, as many reporters require only a few hours of time with informed officers and some time in the field with the troops. Television may need more, as producers can be demanding when it comes to pictures.

Comments like the major's, moreover, reflect a defensive attitude and a failure to understand that military officers are accountable to the voters and taxpayers through a variety of channels. The press is one of them—only one, to be sure, but still one of them.

Further, such comments indicate a failure to understand a principle of military life, especially in a democratic nation: The armed forces of the United States cannot long sustain a military operation without the consent and, indeed, the vigorous approval of the American people. Of all the lessons Americans should have learned from Vietnam, surely that must be high on the list.

It would be far better, for the nation and the armed forces, if officers looked more positively on the rare occasions they are called upon to deal with the press and saw them as opportunities to build support in the public. It should also be seen as a chance to show off the troops, who almost always like the attention they get.

In sum, talking with many journalists *is* worth an officer's time. It is also among his duties, and will become more so as he rises in rank.

• ***The press in World War II.*** The allegation is that the press today is different from what it was in 1945.

Right. So are Army officers, Navy pilots, lawyers, doctors, and Indian chiefs, butchers, bakers, and candlestick makers. The whole world is different today, making the comparison rather silly. Just as every other institution in America has changed, so have the media. Television, the speed of communications, the education of reporters, and the demands of readers are but a few of the differences.

Former Secretary of Defense James R. Schlesinger likes to assert that "the age of Ernie Pyle is dead." But that is another myth, for there never was an age of Ernie Pyle, the legendary correspondent of World War II who carved out a unique place covering the grunts. Ernie Pyle, who was killed in the Pacific just before the war ended, had the luxury of writing about the grunt's-eye view of the war because hundreds of other reporters covered the daily news of the war.

Moreover, Ernie Pyle rarely covered what he called "the big picture" and thus was not confronted with the issues that military correspondents today must handle. He made his name writing about the relatively simple, focused existence of men in combat, not about the complexities of the military budget, or quality controls in defense plants, or whether women should be permitted in combat, or the mysteries of nuclear warfighting.

Reed Irvine, a critic of the press who runs an operation called Accuracy in Media, regularly lambastes journalists for not going to the field with the troops. The charge does not hold up—witness the number of reporters who were with troops in Vietnam, with about 60 getting killed and

several winning combat decorations. Beyond that, Mr. Irvine and others who applauded the exclusion of reporters from Grenada can't have it both ways. Journalists can't be faulted for not being with the troops if the high command blocks them out.

• ***Lack of patriotism***. Occasionally an officer or a civilian has charged that members of the press are unpatriotic because they uncover incompetence, fraud, lies, or other wrongdoing in government. Secretary of Defense Caspar W. Weinberger has come close to charging the press with treason and with giving aid and comfort to the enemy. Patrick Buchanan, the director of communications for President Reagan, questioned the loyalty of the press to the nation when details of the Iran-Contra affair were exposed.

Such accusations bear a tone of self-righteousness, as if to say that only the speaker is loyal to America and anyone who disagrees with him is unpatriotic. That attitude might be better suited to a Tory who believed in the divine right of kings than to an American with moral and intellectual roots in the Revolution's struggle for freedom from an oppressive government.

Accusing the press of disloyalty also betrays a lack of faith in the robust democracy that is America, the last best hope for human freedom on the face of the earth. Ours is an open society dedicated to the proposition that honest debate and dissent and a healthy distrust of the power of government are the order of the day. As an Irishman, John Curran, said in 1790, "The condition upon which God hath given liberty to man is eternal vigilance."

In a sense, soldiers and scribblers share a common mission. Under the Constitution, soldiers are charged with maintaining a vigil against external threats; journalists are charged with vigilance against internal enemies who would corrupt and destroy our way of life.

Contrast, for instance, the American handling of Watergate and the Soviet Union's handling of Chernobyl. It is a point overlooked that Watergate proved, perhaps more than anything else in the 20th century, the strength of the American political system. America was able to withstand the shock and to have a peaceful transition of power that few other nations would have experienced. The Soviet Union, where the press is an arm of government, dealt with the accident at the nuclear power plant by trying to hide it from the Russian people and the world. In those cases, it would seem undeniable that the American press served American citizens far better than TASS, *Pravda*, and *Isvestia* served the Russians.

To close on a personal note, I do not question the patriotism of other Americans—and I do not permit anyone to question mine. If we cannot have that as a basis for treating with one another, then we as a nation will have lost something that makes America what it is.