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## **An Alert Press**

Oversight of the government's national security policies is needed now more than ever.

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THE DECISION on whether to publish information that government officials assert would damage national security is one of the gravest choices a newspaper can face. There may be times when editors get it wrong, either printing material that proves harmful or withholding information that should have come to light. But these are risks that the Constitution contemplated and that the Framers were persuaded were worth tolerating to ensure a free and vigorous press.

Justice Potter Stewart stated this trade-off well in a concurring opinion in the Pentagon Papers case 35 years ago. "In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry -- in an informed and critical public opinion which alone can here protect the values of democratic government," he wrote. "For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For, without an informed and free press, there cannot be an enlightened people."

The wisdom and perspective of Justice Stewart have been conspicuously lacking in the recent uproar over reports about secret government programs. The latest and most vituperative yet involves the decision by the New York Times and other newspapers to publish stories detailing the administration's examination of private banking records. We recognize that this was a controversial choice. But that does not excuse the politicians who have responded with press-bashing that scores political points at the expense of constitutional values.

Rep. Peter T. King (R-N.Y.) offered a prime example of this on Fox News on Sunday when he called for criminal prosecution of reporters, editors and the publisher at the New York Times. "The time has come for the American people to realize and the New York Times to realize we're at war and they can't be just on their own deciding what to declassify, what to release," he said.

Mr. King isn't alone in misunderstanding the critical role of an independent and aggressive press in a free society. Sen. John Ensign (R-Nev.) said the paper not only should have withheld the information but should have "worked in cooperation with those authorities in our government to make sure that those who leaked were prosecuted." Speaker J. Dennis Hastert (R-Ill.), whose chamber is to take up a resolution condemning the story, said, "This is not news; this is something that has been classified, something that is top secret."

The reactions of President Bush and, even more, Vice President Cheney have been only slightly less chilling. Mr. Cheney assailed news organizations who "take it upon themselves to disclose vital national security programs, thereby making it more difficult for us to prevent future attacks against the American people."

All administrations jealously guard secrets, often for important reasons. But this administration, more than any since the one that prosecuted the Pentagon Papers case, has resisted disclosure and effective oversight, whether by Congress or the press. This across-the-board aversion to scrutiny makes it all the more difficult for responsible media organizations to separate the legitimate claims of national security from the overblown.

Those who complain about disclosures assert that the war on terrorism has changed the calculus of risk. They would prefer a media meekly obeying official demands for secrecy. But in the end, as Justice Stewart understood, the nation stands to benefit far more than it could lose from a press that is "alert, aware and free."

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