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### Daniel Schorr First Amendment Award Remarks, 1986

Daniel Schorr

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DANIEL SCHORR

Remarks on Receiving the First Amendment Award

of the Ford Hall Forum

Boston May 11, 1986

I am grateful for this First Amendment award.

I will not say, like Jimmy Breslin, "Its about time!"

I will say, however, that this award comes at a time that is important to me. This year I am marking my 70th birthday and my first 50 years in journalism. Honoring me for service to journalism is like honoring a junkie for his drug addiction. But this is a moment for reflection.

The temptation is to make a long, rambling speech dwelling on remembrances of things past.

For example, May, 1948, when I did my first radio broadcast. I was a stringer in the Netherlands for ABC, along with a lot of newspapers and magazines. Churchill, Adenauer and other European leaders were meeting in a summit session in Amsterdam, and I was asked for a two-minute live report. Those were the days of squawky, fading short-wave communications, and it seemed touch and go whether I would get on the air at all. I heard myself introduced by the program anchor, did my two-minute report and, in the static-filled silence that followed, anxiously called, "Hello, New York!" to learn from the editor how I had done.

Briskly, he said, "Fine! You got off in time!"

That was my first, and not last, lesson in what counts in electronic journalism.

Or I could mellowly reminisce about my first broadcast from Moscow, where I opened the CBS bureau in 1955. I was speaking from a glass-enclosed telephone booth in the Central Telegraph office. The acoustics were so awful that the technician in New York finally had me cover my head and the microphone with my fur-lined coat to eliminate some of the resonance. In total darkness, I found that I could not read my script, which the censor had cleared. For the benefit of the censor, listening on the circuit, I announced my plight and begged leave to ad lib, promising to remain within the limits of the approved script. I would like to think that the censor took pity on me. I did get on the air.

Or, I could tell you about my wardest moment in television. That was in the Summer of 1973, during the CBS gavel-to-gavel coverage of the Senate Watergate hearings. Handed the first list of the "top twenty" of President Nixon's enemies, I went on the air from outside the Senate Caucus Room, without time to scan the list in advance. At No. 17 I came to my own name, suppressed a gulp, and went on to the next names, which, as I recall, were, "Paul Newman, California," and "McGrory, Mary." The company was good, but the experience was surreal.

I could go on with anecdotes, and it might be the popular thing to do. But it would be wrong. Our business tonight is the First Amendment. The values that the First Amendment was written to safeguard are once again under attack, and, as the writers of our Constitution foresaw, from <sup>the</sup> government, which has seldom lived on easy terms with a free press.

One should make no mistake about the anti-press thrust of this administration, and not alone because President Reagan mumbles about "those sons of bitches" or complains about being up to his "keister" in leaks. In terms of trying to control and manipulate information, it is Nixon time revisited, but with more concentration and greater sophistication.

On Feb. 23, 1973, President Nixon told John Dean, his words preserved for posterity on tape, "Well, one hell of a lot of people don't give one damn about the issue of the suppression of the press, etcetera." (On another segment of tape, Nixon refers to me as "that son of a bitch." You see, presidential usage hasn't changed much in 13 years.)

And so, Nixon deliberately set about driving a wedge between the press and "the Silent Majority." William Safire, then a White House speech writer, says, "I must have heard Richard Nixon say, 'The press is the enemy' a dozen times." ~~He~~ <sup>Nixon</sup> had Patrick Buchanan write a vitriolic attack on the television networks, adding some tough lines of his own, commented, "This really flicks the scab off, doesn't it?" and gave it to Vice President Agnew to deliver in Des Moines. That was the famous speech assailing network news people as a "tiny and closed fraternity of privileged men, elected by no one and enjoying a monopoly (get it?) sanctioned and licensed by government."

Nixon wasn't anti-media, just anti-press. He liked television if he could have unhindered access to it without criticism or contradiction. And the same goes for the

incumbent. Back in 1978, Ronald Reagan complained that President Carter had too much access to television. He said that Carter was in a position to give America "a powerful dose of the presidency every week." Well, no one has provided a more powerful dose of the presidency than Ronald Reagan, and, in 1982, he said in an interview with TV Guide, "I'm grateful for the time it has made available."

Safire wrote in his revealing book, Before the Fall, that there was no doubt of a Nixon conspiracy to discredit the press. Nor is there any doubt today. Anti-media sentiment is stimulated and exploited. More ways have been found to control information and more ways to intimidate those who might disclose it.

When things look bad, President Reagan often publicly blames the press. Questioned about budget plans that appeared to be in disarray, Reagan responded, "There is disarray approaching chaos in the press corps." When he came under criticism for his visit to Bitburg Cemetery in Germany, he accused the press of creating the issue. Blaming the messenger may come naturally, but it is also effective.

For, let us face it, many Americans consider the mass media too big, too manipulative, too arrogant, too all the things they used to say about government. insensitive. ~~There are a lot of people out there~~ who don't like us and ~~the Moral Majority will~~ not forgive us our press passes.

When, in the name of the public's ~~RIGHT~~ to know, the press protested at being excluded from the launching of the Grenada invasion, there was a dismaying scarcity of support from the public. One Pentagon officer, with bitter memories of the news media dating back to the Vietnam war, said, "Okay, next invasion, we send in the reporters. Only reporters--no soldiers."

In this climate, President Reagan finds that he can invoke national security to control the flow of information. In the war on leaks, lie detector tests have been instituted for Pentagon employees, and would have been made government-wide had Secretary of State Shultz not threatened to resign. Lifelong censorship oaths have been instituted for officials handling sensitive information. More sweeping classification rules have vastly increased the amount of information locked away.

The issue is not really leaks, but who leaks and for what purpose. David Stockman tells in his book that he got his job as budget director by getting Columnist Robert Novak to write that there was a movement, which there wasn't, to have him appointed. And, thereafter, says Stockman, at times of internecine conflict, "'going to war' meant it was time to call Bob Novak, the Prince of Darkness." Three years ago the FBI was called in to investigate an alarming leak of word that Robert McFarlane, then on a mission to Lebanon, had recommended an American retaliatory strike. Three months later the investigation ended in the conclusion that the "leak" had been a White House background briefing.

It has been said that the ship of state is the only kind of ship that leaks mainly from the top. And no one has caused more agony in the intelligence community by compromising sensitive "sources and methods" than Mr. Keister himself--the President. It was President Reagan who, over Pentagon objections, used reconnaissance photographs for a show-and-tell on television about the military buildup in Nicaragua. It was Mr. Reagan, again, who, over the objections of the National Security Agency, had Ambassador Jeane Kirkpatrick play, in the United Nations Security Council, the tape of the intercepted voice of the Soviet pilot who shot down the Korean airliner.

If President Reagan strikes out the "top secret" label because he has a point he wants to make, that is his constitutional right. But, in that atmosphere, how are others to know they are not supposed to use national secrets to make ideological points? A hapless Michael Pillsbury, Assistant Undersecretary of Defense, was fired recently. He had failed a lie detector test on a leak. The leak had to do with supplying Stinger anti-aircraft missiles to the ~~Angolan~~ <sup>ANGOLAN</sup> rebels--a very hush-hush business, especially if the Stingers should fall into the hands of terrorists who shoot down an American airliner. So they made an example of Michael Pillsbury--leaking the fact that he had been fired for a leak.

How the Reagan administration chooses to keep order in the government is one thing. But, apparently it also would like to keep order in the press.

I'll grant the State Department's Robert Oakley his free speech right to call NBC an "accomplice" of terrorists for taping an interview, at a place it promised not to disclose, with Abu Abass, wanted for organizing the hijacking of the Italian cruise ship Achille Lauro. There is a real problem with such interviews-- whether the perverse incentives offered to terrorists outweigh the news value of the interview. But it would be better if the controversy remained in the private sector rather than present the appearance of government pressure.

It is more sinister, however, when, as is apparently now happening, the government seeks to fashion a form of Official Secrets Act to control the press by applying new interpretations to old legislation.

This episode starts with a presidential indiscretion. In his April 14 speech announcing the bombing of Libya, Reagan dismayed intelligence officials by referring to three messages, obviously intercepted and decoded, that had passed between Tripoli and the Libyan mission in East Berlin. They apparently represented the "smoking gun" in the bombing of the West Berlin discotheque that was given as the immediate cause of the strike against Libya. Once the President had lifted the veil of secrecy, other details of the intercepted messages leaked, including direct quotations. Within days Libya was reported shopping for more secure communications equipment in Switzerland.

Nine days ago CIA Director William Casey met, at the University Club in Washington, with Benjamin Bradlee,



executive editor, and Leonard Downie,, managing editor, of the Washington Post. He was quoted as saying that, against the Post, the Washington Times, the New York Times, Time and Newsweek, the government had "five absolutely cold violations" of a 1950 statute that makes it a crime to disclose anything "concerning the communication intelligence activities" of the United States or of any foreign government if such disclosure is "prejudicial to the safety or interest of the United States."

Casey had apparently not informed the other publications of their jeopardy. His intention, it seemed, was to use the club of threatened prosecution for past stories to stop the Post from publishing a prospective story dealing with the intelligence secrets that Ronald Pelton, former N.S.A. employee, allegedly furnished the Russians. That the Russians already have the information may not be a defense, as Samuel Morrison, Navy intelligence analyst, found when convicted of espionage for having given a British magazine satellite photos of a Soviet aircraft carrier.

White House Sokesman Larry Speakes seemed undisturbed about the idea of prosecuting a newspaper. "Anyone who violates the law should be prosecuted," he said. More alarmingly, Senator David Duremberger, chairman of the Senate Intelligence Committee, and no friend of Casey, also seemed undisturbed. He said that leaks should be stopped at their source, but if that isn't possible, it is right to go after a newspaper.

So, there we are. The First Amendment, which we honor tonight, says, "Congress shall make no law... abridging the freedom of the press." But, Bill Casey and others in the administration say that we already have some laws that can be pressed into service. And there may be others. The 1971 decision of the Supreme Court, in the Pentagon Papers case, generally considered a victory for the press, hinged on the determination that the government had not demonstrated serious enough potential injury to warrant prior restraint. Next time it may be different. The Progressive magazine was stopped, by a Federal district court, from publishing a speculative article about the making of a hydrogen bomb under an interpretation of the 1947 Atomic Energy Act, whose sweep had not previously been realized.

And now the communications intelligence act, which no one ever thought of using against a news organization, is being dusted off for purposes of intimidation, if not for purposes of prosecution.

Was Nixon right when he said, "One hell of a lot of people don't give one damn about the issue of the suppression of the press, etcetera?" We will get a chance to find out, and I am not overly sanguine about the short term, when the "sons of bitches" are up against the Great Communicator.

Yet, the First Amendment, almost two centuries old, has survived hard times before, and will survive hard times again. We take our free press for granted, and resent its sometimes mindless excesses, until something happens to quicken our awareness of its value in preserving our free institutions. Such a time was Watergate, when the press helped to break the grip of a conspiracy in government. Such a time will come again.