

Fight for press freedom goes on

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Fighting For the Press: The Inside Story of the Pentagon Papers and Other Battles

****By James C Goodale****

****CUNY Journalism Press, EUR 15.46; available online from press.journalism.cuny.edu****

****Reviewed by Aoife Kavanagh****

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When the New York Times decided to publish the Pentagon Papers in 1971, the newspaper's in-house lawyer, James **Goodale**, knew it would set the newspaper on a collision course with the Nixon administration. He was right. Following publication, the NYT ended up in an infamously bitter battle with the White House which ran all the way to the US Supreme Court.

Goodale's book is a detailed account of that battle from the man who masterminded the newspaper's defence. **Fighting for the Press: The Inside Story of the Pentagon Papers and Other Battles** is more than just a history lesson of that particular battle for press freedom; it highlights a fight that is still raging today with the WikiLeaks saga.

Goodale doesn't understate the importance of the Pentagon Papers case for press freedom in the US. He calls it "a case for the ages . . . the first of its kind in American history" and "candidate for trial of the century". The battle between the government and the New York Times, and subsequently the Washington Post and other newspapers, was a battle over press censorship.

Richard Nixon's loathing of the press was well-known even before he took office. He was the first president ever to threaten to use the courts to get his way with the media. His initial reaction to the publication of the Pentagon Papers was a simple plan: to fire anybody at the Defense Department who could be held responsible for the leaks.

The Pentagon Papers were "top-secret, sensitive" US Defense Department documents which outlined US government policy on the Vietnam War. Essentially, they showed that the US administration lied to the American people about the reasons for going to war. In fact, they showed that consecutive governments had lied about the war. This was a complete history of the Vietnam War as commissioned by the then Secretary of Defense, Robert McNamara.

The papers were leaked to the New York Times by Daniel Ellsberg, a researcher at a Washington-based think-tank which was advising the Defense Department. There is little space given to Ellsberg or the content of leaked documents in this book; the author obviously assumes that most readers are familiar with that area.

But Ellsberg's story is a fascinating one, and the book would have benefited from a little more background and detail on what led to his decision to leak the papers, and how he was hounded for doing so.

Ultimately, the government lost its battle to prevent the publication of the Pentagon Papers because it failed to prove that they contained "a clear and present danger to national security". **Goodale** believes the Supreme Court judgment will never be overruled; "a case for the ages", he claims.

Goodale was rightly astonished at how much publicly available material was contained in the papers (which were wheeled into his office in supermarket trolleys), among them hundreds of newspaper articles, including reports from the New York Times.

If the Pentagon Papers case was critical to press freedom, then **Goodale** was the right man in the right position

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when the Times took the brave decision to publish them. "My natural inclination was to publish," **Goodale** remarks, an approach which made him popular with editors and journalists at the paper. He is a media lawyer driven by a principled commitment to press freedom, a strong news sense and, as it puts it himself, "the anger factor". Therefore, when **Goodale** brings questions of press freedom and censorship right up to date by addressing the case of Julian Assange and WikiLeaks, his comments are all the more significant. Barack Obama's supporters beware: **Goodale** offers a devastating critique of the president's position on **press** censorship.

Fighting For The Press draws comparisons between the criticism levelled at the Times and other newspapers, and that directed at those who took the decision three years ago to publish the material leaked by Bradley Manning to Julian Assange and WikiLeaks; namely, that lives would be lost as a result of publication and that the leaked material would cause huge embarrassment to the US and its allies.

So far, though, the roof has not fallen in due to any classified information published via WikiLeaks, although it should be said that it is still too early to say for sure.

As far as **Goodale** is concerned, Obama's handling of the WikiLeaks case and other cases of press freedom puts him in a category all his own: even more threatening to press freedom than Nixon was. He points out that Obama has used the Espionage Act to indict more leakers than any other president in US history, and he reveals how much Obama's position has changed from his pre-election stance when, as a senator, he supported laws to protect press freedom.

Goodale's challenge to the Obama administration's policy on WikiLeaks is important, and it is clear that the author plans to continue his lifelong **fight** to protect **press** freedom.

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