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Genevieve Stuttaford

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# The Battle Over the Pentagon Papers

By Genevieve Stuttaford

WHEN Sanford Ungar says he's prepared to go to jail rather than dilute his First Amendment rights he's not just sounding off. He talks about it with a little bit of nervousness and a great deal of conviction. As a journalist who covered the Pentagon Papers story — in the curious position of reporting on The Washington Post's involvement for The Washington Post — he has become keenly aware of the issues at stake and the problems still stewing for the press.

Ungar has been giving it a great deal of thought, he said here recently, especially now that he feels vulnerable himself with the publication of his book "The Papers & The Papers: An Account of the Legal and Political Battle over the Pentagon Papers" (Dutton; \$7.95).

For this brisk, detailed record that clarifies the legal whirlpool all concerned were caught in, Ungar has done a tremendous amount of background digging to recreate the clash between the government and the press. He traces the history of the Papers from June, 1967, when former Defense Secretary Robert McNamara commissioned what was officially known as the Vietnam History Task Force through to the Supreme Court's split decision in June 1971, not to stop publication.

## Brimming with Anecdotes

Ungar's report is brimming with anecdotes which penetrate the personalities involved and their motives. It's an exciting book and puts this whole miasma in perspective.

"I was worried that 'The Papers & Papers' would become a target for a government organization," Ungar admitted, "but I couldn't let that stop me from doing the book. Writing it was kind of self-indulgent. I did it to exercise my principles.

"Now with the Daniel Ellsberg-Anthony Russo case I'm still wide open, to both sides, the defense and the prosecution. At one point one part of the defense contacted me to find out about my sources, but I refused. If the prosecution were to contact me, I'd refuse them, too.

"If I were subpoenaed by either side I would refuse to testify. I would go to jail before I would testify."

## Objectivity

There is an added dimension to his problem, though Ungar doesn't see it that way. The Washington Post has sent him to Los Angeles to cover the Ellsberg-Russo trial. Question him about it and he says with a smile, "I'll get defensive. I'm the logical one for the Post to send. I'm a Papers freak.

"Can I do an objective job covering the

*'If I were subpoenaed by either side I would refuse to testify'*



SANFORD UNGAR

case? Yes, I can look at it with objectivity. And sure, I think the Papers should have been published. You're not going to find many reporters who wouldn't agree. You can't shed all of your beliefs, but you do have to retain credibility. When both sides get angry at your news coverage, then you know you're not serving anybody's special purpose.

"It is preposterous, though, to say that the press is not involved in this case. The press is a defendant."

Ungar has been on the Papers story from the start. He didn't participate in the Post's original publication of the document and really came into it almost accidentally. Normally assigned to report on the Federal courts, he was surprised one morning by a case on the docket: The United States Government vs. The Washington Post. It was, Ungar explained, "just another law suit on my beat. So I covered it."

Ungar, 27, has worked at The Washington Post for two and a half years. He is a slight, bearded man, thoughtful, spirited and extremely likeable. He was born in Pennsylvania, the youngest of five children of Austrian and Hungarian immigrant parents. (His 71 year old widowed mother suffered in the recent floods in the State, losing everything).

The author graduated from Harvard where he was an editor of the (Daily Crimson, in addition to working as a stringer for The Boston Globe. Later he went to the London School of Economics on a Rotary Club scholarship, then worked in Paris on a journalism fellow-

ship. He lived for several months in Africa where his wife, a Radcliffe graduate, taught. Currently she is a Fellow in Suicidology at a Washington, D.C., hospital and plans to enter medical school.

## Total Freedom

Ungar is deeply committed to the issue of total freedom for the press. He is critical of the journalism establishment which, he feels, has "let itself miss so much," and he criticizes the government for trying to apply controls.

"Without a free press, the people's right to know is empty. Covering the Papers story I became awakened to the enormity of this First Amendment issue. It should have been settled long before now.

"The turning point in the story, really the center of the thing, was when the Attorney General asked The New York Times to stop publication of the document. Then it became a good soccer match, with some people applauding the press and others applauding the government and glad to see the press get its licks.

"What I've come to understand," Ungar continued, "is the extent of the danger that the American press can become a government press. Whenever there is a Presidential press conference, everybody clears his front page to cover it. That's fine and proper. But you have to remember the difficulty people with opposing viewpoints have getting attention. How does the unsystem get coverage?

"It's important to recognize the extent to which the people in power have access to the press. All their press handouts are intended to feed out precisely the information the government wants.

## Difficult Decision

"Then, suddenly, some newspapers got the Pentagon Papers. It took The New York Times three months to decide to print them, it was that difficult for the newspaper to decide to do something that defies the government. Any eighth grader can read the Papers and know they are not dangerous to national security.

"The First Amendment was intended to keep the press completely free. And this case shows how we have allowed ourselves to slip."

As a possible solution, Ungar thinks the press should start looking over each others' shoulders. "It ought to be possible for us to write critically about each other. It doesn't have to be mud slinging, but newspapers should be able to stand criticism from each other."

To Ungar at least, from here on that means "full torpedoes ahead."

## Wit and Elegance

AS ONE of our foremost novelists of manners, Louis Auchincloss is weary of "now" fiction which professes to be "relevant" but ends up simply being dull. "I find a definite link between the relevant and the boring," he asserts firmly, speaking for many more than himself. For his anthology "Fables of Wit and Elegance" he has assembled a baker's dozen of delectable stories varied in matter and manner but distinguished by wit and elegance.

Reading these tales by writers from Oscar Wilde, Henry James and Edith Wharton to E. M. Forster, Jean Stafford and Mary McCarthy, one is transported to a world of nuance, subtlety and craftsmanship light-years removed from the crassness of "relevant" fiction. Note, for example, what V. Sackville-West did with the simple situation of an old lady listening to the hour being struck. There's no "relevance" there, just art. The publishers have produced this anthology in a suitably elegant binding. (Scribner; \$7.95).

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DESIGN is from the jacket cover of "18-44," a new novel of shattering self-analysis by Etienne Leroux. (Houghton Mifflin; \$4.95.)

## A Feminine View

"THE HONEYMAN FESTIVAL," by Marian Engel (St. Martin's Press; \$5.95) is essentially a woman's novel, written by a woman about pregnancy and viewed through very feminine eyes. Marian Engel is a young Canadian wife and mother who writes with a clarity women will recognize and men appreciate. The narrative is a recollection of things past by a sometime bit actress who once had a long affair with an aging movie star in France.

Memories of that halcyon time mingle with the depressing realities of a very pregnant present as, heavy with child, she awaits labor. Hubby is away in distant Nepal, which is no help to her at all. The dominant mood is one of melancholy as she muses and dreams, leaving the impression that the author might have written the book to pass the time during her own pregnancy. There's a definite talent here, but it is too circumscribed in this novel to be accurately assayed.