7-23-1972

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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 grandiosity and a great deal of conviction. As a journalist who covered the Pentagon Papers story — 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 hanging over the press.

Ungar has been giving it a great deal of thought, he said here recently, especially now that he feels comfortable 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 up 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 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 mess in perspective.

"I was worried that 'The Papers & Papers' would become a target for a government organization," Ungar admitted, "but I could not 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 to testify.

"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 that 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 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 was on the New School of Economics on a Rotary Club scholarship, then worked in Paris on a journalism fellowship. 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 who controls the government for trying to apply control.

"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 being afraid of the government and glad to see the press get its tickets.

"What I've come to understand," Ungar continued, "is the extent of the danger that the American press cannot cover its own press. Whenever there is a Presidential press conference, everybody clears his front page to cover it. That's fine and good, but you've got to remember the difficulty people with opposing viewpoints have getting attention. How does the system 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 toward national security."

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

As a possible solution, Ungar thinks the press should start looking over each other's 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 torpedos ahead."

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 recalculation of things past by a bit of 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 present pregnant drama, 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 satisfy her own pregnancy. There's a definite talent here, but it is too circumscribed in this novel to be accurately assessed.

"If I were subpoenaed by either side I would refuse to testify"