

# UNITED STATES MILITARY ACADEMY

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The 19th  
Sol Feinstone Lecture

on

## THE MEANING OF FREEDOM

by

Mr. Fred Friendly

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The United States Military Academy is pleased to sponsor an annual lecture series on the Meaning of Freedom. It is significant that this lecture program has been made possible by the generosity of the late Mr. Sol Feinstone, a dedicated American patriot whose commitment to the ideals of the American Revolution led him to devote many years of effort, as well as considerable personal resources, to the collection of important letters, manuscripts, and books dealing with our heritage of freedom. His donation of these items to libraries and educational institutions ensures that the message which they proclaim will be preserved and transmitted to future generations of Americans.

Mr. Feinstone's abiding faith in a brotherhood of free nations of men has found further expression in several lecture series which he has endowed in order to permit prominent Americans to interpret the Meaning of Freedom.

The U.S. Corps of Cadets and the staff and faculty of the Military Academy are pleased to recognize the generosity and loyalty of this great American for providing a living endowment in the defense of freedom.

## THE MEANING OF FREEDOM

Mr. Fred Friendly

This evening I want to talk with you about the role of the military, you, and the role of the news media, me. We both like to talk about freedom. Freedom is why we are here. You have the responsibility to make sure we are safe and the country survives. And you have done a very good job for most of our 200 years. My profession, journalism, is to make sure that the American people understand what's going on.

When the Founding Fathers first wrote the Constitution, they sent a copy of it from Philadelphia to Thomas Jefferson, who was in Paris as our first minister. He sent it back, saying: "This is no good. You can't have a Constitution without a Bill of Rights. A Bill of Rights is what every people on earth need to protect them from the governors. I won't sign it."

James Madison replied that the drafters of the Constitution wanted to have a Bill of Rights protecting WE the people from THEY the government, but weren't sure they could get enough states to ratify it to make it law, because the States were largely opposed to a Bill of Rights. Madison suggested to Jefferson that when the first Congress met in a few years, the time would be ripe to add a Bill of Rights.

And so the Bill of Rights was added 200 years ago; this December 15th will be the anniversary of that event, which the

news media champions and which you and your colleagues in the military protect.

I want to talk a little about that, but first I want to read you something. I was talking to some of your professors at supper tonight and we talked about writing. I said, "Do the cadets know how to write?" I seemed to have asked a good question. And they said, "Well, some of them do and some of them don't." I said, "What does it depend on?" They answered, "It depends on what kind of teacher they had in Albuquerque or wherever they came from."

So I brought along a piece of writing from Ruth Friendly's class - Ruth Friendly, my wife - who is here, is the world's greatest fifth-grade teacher. She taught in Scarsdale and on occasion she would give the students in her fifth grade a writing assignment. She would first read them Little Red Riding Hood. And their eyes would glaze over because they had all heard that from their grandparents, uncles, aunts, and parents. Then she would ask, "Now whose version of the facts -- Little Red Riding Hood's or the wolf's -- is that?" They thought about that for awhile, then one said, "Well, Little Red Riding Hood's." She said, "Correct. Now, I want you to write this same story from the wolf's point of view."

This was ten or twelve years ago. An "A" student, Amy Benton, then ten years old, now 21 or 22 just out of university, wrote this paper, which is in her handwriting. And I want to read it to you because it is a good way of understanding that we

must all, whether we are journalists or generals or whatever, see the world from our enemy's point of view:

"My Own Version." You may have heard the story of Little Red Riding Hood a lot of times, but I bet you never heard my version. You know why, because I'm the wolf. I'll never be able to publish my version since they only have freedom of speech for you and not for wolves. You want to hear it? Okay. Well, I was sitting on the tree stub one day when this girl comes along and says, sexily, "Hi, ya big boy. How about coming to my granny's house for tea and cake?"

I knew I shouldn't have, said the wolf, but I was hungry, so I said, yes, and inquired which way was the quickest way. We passed many a house but finally we got to Granny's place.

Red knocked on the door and inside you could hear her granny say, "Who is it?"

"It's me your sweet granddaughter."

"Oh come in, come in," said her granny, surprised.

Little Red led me in first. When her grandma saw me she screamed and ran into the bathroom. Little Red ran past me muttering she probably had to go badly.

"Come on in and sit on the bed. Here, have some tea."

A few minutes later, Little Red was looking out the

window and suddenly said, "Help, help; there's a wolf in here. Help!"

In came a wood cutter. I jumped out the window because he's always trying to trim my hair. I ran to the side of the house to hear her version of what had happened. Later, I went home.

"How was your day?" my wife asked.

"Oh the usual, I was accused of something again today. You know it is hard being a wolf."

"I know, dear."

"Well, thanks for listening to my version. Now I am going on a weekend trip with three pigs. I hope they are more civilized."

The wolf may or may not have been telling the truth, but the moral of that story is that you have to want to listen to the voice you hate the most. That's what the Bill of Rights and the First Amendment are all about -- learning to listen to the man or women you hate because you may learn something from their point of view. General Graves mentioned my 15-year partnership with Ed Murrow. I would like to tell you how Murrow and I got started in television.

We were radio people. But from our early days in radio, we both moved eventually to CBS Television in 1950. And the

Aluminum Company of America, ALCOA, offered to sponsor a television program to be done by Mr. Murrow. Ed wasn't very interested in the idea and neither was I. We were both children of radio. Ed always thought that radio was so easy to transmit. You wrote a script, you talked it into a microphone, and millions of people heard you from London, from Paris, from Normandy, from wherever. Besides Murrow said, "Fred doesn't even know how to focus a camera and neither do I. You need some movie people to get you into television."

But ALCOA perservered. Their chief executive officer, said to Ed in my presence, "We'll make you this promise. You make the programs and we'll make the aluminum. And we'll never tell you how to make the programs and you won't tell us how to make aluminum." They kept their end of the promise. Occasionally I had some suggestions about how to roll aluminum better, but we had a great friendship and it lasted for about eight years. And they never bothered us at all when we did three programs about Senator Joseph McCarthy; they never whimpered and I'm proud to say that those programs played a minor role in the defeat of McCarthy.

You hear a lot about the news media and how the generals don't like the news media; how the news media don't like the generals; and how we got to hate each other. It is a matter of real controversy. I don't believe any of that. After I was a Signal Corps instructor early in World War II, I became a correspondent -- a master sergeant correspondent. I served in

the European Theater of Operations. I was at the Mauthausen Concentration Camp when General Patton liberated it. I also was in Japan right after Hiroshima as a correspondent. And everything I wrote, and everything Murrow wrote, had to be shown to a censor. Murrow's famous broadcasts from the roof of the BBC were all prepared scripts. The censor stood right beside him with a button and a set of earphones, and if Murrow deviated from that script by one word, he was clipped off the air. And he learned to live with that.

Vietnam was a little different. In Vietnam, we had a war that was fought without censorship. It was fought without censorship because it was an undeclared war. If you look in your copy of the Constitution, a very valuable teaching tool to me, it describes, under Article One, the Duties of Congress. One duty is that Congress shall declare that a state of war exists. Congress did declare war on December 8th, 1941, the day after Pearl Harbor. President Roosevelt asked Congress to declare that a state of war existed between the United States and the Japanese empire. And the next day there was censorship.

Vietnam never had a declaration of war. President Johnson, for whatever reasons he thought were important, needed to escalate the skirmishes that had been going on in Vietnam. And on the first Sunday of August 1965, he announced over our air on CBS, and NBC's air and ABC's, that the USS Maddox and the Turner Joy, two American destroyers, had been fired upon by Vietnamese gunboats. He virtually asked the Senate and the Congress for the

right to pursue them. That escalated the war in Vietnam, but, nobody ever said to him, "Mr. President, you have to declare a state of war and have Congress act on that or you'll never have any censorship in Vietnam."

We put President Johnson on the air that night, 11:00 to 11:15 pm. It was a Sunday night. The phone rang on my desk, right after the broadcast was over. It was Ed Murrow. And he was very critical of the way we had handled the story. We had Dan Rather, then a young reporter in Washington, fill out the 15 minutes of the program. Johnson had only used 10 minutes. And Rather just summarized what the President said. Murrow said to me, "How dare you do that without having Rather say what the implications of escalating that war are." At the time, I really didn't know what Ed was talking about.

But as I grew older and, I hope, wiser, I (like many of us) discover that there may not have been an attack on the Maddox and the Turner Joy. That report may have been caused by freak weather effects and over eager sonar men and that whole story may have been made up in order to get us into the Vietnam War and all of the problems that that war brought to us. Murrow understood that. Murrow understood that if you were going to have a republic, you have to have somebody watching the governors -- we, the governed must be watching. That is what a free press is supposed to be about. That is why Jefferson said you need a Bill of Rights. You need that First Amendment. We have that. True, we often misuse it. We sometimes think it is a very special

privilege for us the news media, when in fact it's for all the people. Still, Madison seems very prescient when you consider that he said 200 years ago, that a republic without a free exchange of information and awareness for the people will be "a tragedy or a farce or both."

That's what America is all about. Free soldiers. Free press. In World War II, Eisenhower understood that. He understood that every reporter would be censored when it came to battlefield reporting. He also said in my presence once, "You reporters are an arm of the military. Your typewriters, your pens, and pencils are part of my artillery. I need you on my side. Help the American people understand how important it is to defeat Hitler and the Japanese." And we did because we believed in that war. And we reported World War II quite well, although there was censorship. In Vietnam, as I have said, there was no censorship. Yet in a strange sort of way there were virtually no violations of military secrets.

There is a famous case that implemented the First Amendment that I would like to talk to you about. It began in the 1920's; it's called Near v. Minnesota. It is really the making of the First Amendment. J.M. Near ran a newspaper in Minnesota, a real scandal sheet. It was anti-semitic, anti-black, anti-Catholic. Minnesota was full of all kinds of crime, bootlegging, booze across the Canadian border through Minnesota and Wisconsin. And his newspaper, rightly or wrongly, would come out every Saturday with big blazing headlines, "Jew, Jew, Jew, Nigger, Nigger,

Nigger." (That's a quote). If it weren't for them, we wouldn't have all this crime. We have got to close down the politicians who are in bed with all these radicals, all these communists," wrote Near.

As a result, the Minnesota State legislature passed a law, the Minnesota Public Nuisance Law. It gave the Minnesota courts and legislature the right to close down any newspaper or magazine that was lewd, licentious, vulgar, or libelous. The legislation was virtually unopposed. There were only two dissenting votes in the senate, and it became the law of the state of Minnesota. They closed down Near's Saturday press. Boarded it up. It was out of business.

Then Mr. Near, not a very nice man, anti-semitic, anti-black, anti-Catholic, wrote two letters. He wrote one to the Civil Liberties Union, then just getting started in New York. They wrote him back wanting to help him, but they didn't have any money to even send a lawyer to Minneapolis. He sent the other letter to Colonel Robert McCormick, the publisher and editor of the Chicago Tribune, right wing, vituperative, flamboyant newspaper published in the Windy City. A motto "The World's Greatest Newspaper" appeared on the front of his newspaper daily. It wasn't. Today I call it, "The World's Most Improved Newspaper." But Colonel McCormick felt that Near had a good case and agreed to help him fight it. He put up \$35,000 dollars and supplied his own law firm to fight the case and carry it to the Supreme Court of the United States.

The case reached the Supreme Court in 1931. If it had gotten there when it should have, five years earlier, Near would have lost. But, two members of the court died on the same day in 1930: William Howard Taft, who had been Chief Justice and President and a justice named Sanford. So Herbert Hoover, with two chances to pick new members for the court, appointed Charles Evans Hughes and Owen Roberts, a Philadelphia lawyer. The court suddenly changed from a conservative to a middle-of-the-road court.

When the case was argued in the Supreme Court, Louis D. Brandeis was sitting among the justices. Brandeis was the first Jew ever appointed to the Supreme Court. His appointment had been held up for 105 days. The president of Harvard testified against him. The president of the American Bar Association testified that he wasn't fit to be on the high court. Finally, he made it and became a great justice. Now sitting on this changed court were Hughes, Brandeis, Holmes, Roberts, Butler (an extreme right winger), and four other judges. The attorney general from Minnesota argued before the court: "This terrible newspaper printed stories about how the politicians were taking money from the bootleggers, etc, etc, etc.

Brandeis leaned over and said: "Weren't these newspapers doing what newspapers are supposed to do, printing stories about malfeasance in high places in city government?"

The attorney general from Minnesota responded, "You mean, IF they were true."

And Brandeis said: "No, even if they weren't true, this anti-semitic newspaper had a right to publish anything they wanted to. You could sue them for libel afterwards. But there could be no prior restraints. (A prior restraint is a gag). You can't stop somebody from printing anything in advance."

A decision in favor of Near was announced that June by Chief Justice Charles Evans Hughes but also included a piece of dictum in it. You might learn from your law courses what dictum is. Dictum is some language used in an opinion that doesn't necessarily have the force of law but is more of a "by the way," of the justices writing the opinion. Chief Justice Hughes wrote as dictum that no one would doubt that information about troop ships sailings in time of war could be restrained, that is, censored. Most journalists don't remember or understand the significance of Hughes' dictum. To me it says that if the circumstance is important enough and the commander-in-chief thinks it's important enough and the courts think it's important enough, you could put a gag on the press. It has never successfully been utilized, but the option exists.

I take you now to the hard decisions that I have had to make. I am 76 years old and this one was the hardest. In April of 1961, the first year of the Kennedy administration, we had a tip from a very reliable source, high in government, that we were

going to invade a beach in Cuba on the Bay of Pigs. We at CBS investigated it. We found out that it was true. We started to do a broadcast about it. I sent cameramen and reporters including Murrow to Miami to work on the story. The New York Times was going through the same process. The paper had the same tip. They wrote the story.

The story is told that John Kennedy, having been president for only three months, The New York Times and us and asked us not to go with the story, because it would cause thousands of lives to be lost. Nobody ever called me and, to my certain knowledge, nobody ever called The New York Times. We didn't run the story, it is true, but it was because I was convinced that if we did, and there was a massacre on the beach, as there was, that the American people would think that CBS was responsible. I have been criticized a lot for that -- sometimes by my own sons and daughter. Did I do the right thing? Was I a coward? Should we have broadcast to the nation? There had been no declaration of war, no authority from the Congress of the United States, we were invading a sovereign nation -- something you might think about. If you were in my position in 1961, would you have reported that?

Now let's move to another tough decision, this one in Vietnam. One morning at 7:00 am my phone rang. It was the CBS radio news desk editor on duty saying, "Fred, we have a story by Morley Safer in Saigon." The story was that in the village of Cam-ne, an American unit--I think it was the First Marine Division, had gone into the village and using zippo cigarette

lighters had torched the village and burned bamboo huts to the ground with women and children screaming.

So I said, sitting up, "Is Morley sure of his facts?" He said, "Well, Morley is on the Q-circuit. If you want to talk to him, I will put him on and you can talk to him directly." "Are you sure, Morley?" I asked. He said, "I'm not only sure, but you'll be sure when you see the tape." I said, "You mean you have videotape of it?" He said, "Absolutely." "And it is exactly as you described it?" He said, "Exactly." I hung up -- sweating.

At 9 o'clock, I told Walter Cronkite, then our anchorman, about it. We decided we would have to look at the tape. We unloaded the film in San Francisco. And instead of shipping it to New York, we bought a telephone line which cost, I still remember that, \$3,500. We piped the sequence Morley Safer had described with the marines and the zippo lighters to us in New York for me to look at that day rather than waiting a day for an airplane to bring it in. When Cronkite and I reviewed the tape, it was a ghastly thing to see. There were marines, taller and stronger than I am, close up with zippo lighters, little flame, big flame, burning down the whole village -- women and children screaming. Morley ended with, "And that's what the battle for the hearts and minds of the people is all about."

I wish I had five of you on the stage, any five of you, because I would have you think through with me the process by

which you decide whether or not to use that tape. I have to tell you that was an extraordinarily tough decision. I knew the impact that that would have in the 190 cities where CBS news was carried. I knew that it would have the appearance of an American atrocity. I also knew from Morley on the phone that three days earlier marines had approached a neighboring village, and a little old lady in black pajamas, so described, rushed towards them asking for help. As three marines went forward to help her, she took a hand grenade out of her breast pocket and threw it at them. Five marines were killed. We knew that story, but we had no film no tape to show it. Morley described the incident, but that couldn't compete with those pictures of the burning of Cam-ne.

Another factor. What if we didn't run it and our competitors, ABC or NBC, did. I had no way of knowing whether they had it or not. What would it be like the next morning if the chairman of our board were to call me and say, "Those were some pictures that NBC had on the air. How come we didn't have them?" And I would have to say, "Well, we had them, but in my judgment, they weren't fit or appropriate for the American citizen to see." So we ran the tape at 7 p.m. coast to coast, with a serious introduction by Cronkite.

I knew there would be a splash, but nothing like what happened. I stayed at my desk at the Broadcast Center until 10 or 11 o'clock that night. The phone calls were endless, most of them very critical of us: "Don't you people at CBS ever think

about whether what you put on the air is good for the American people?" I took almost every one of those phone calls. Many of them were from vituperative, angry American citizens. We got letters from the Defense Department, from the Assistant Secretary of Defense saying that the next time that Morley Safer was in the battle theater, they would shoot his rear end off. They threatened to take all our credentials away from us. And to this day, when I wake up late at night, I keep thinking about that decision. Did I make the right decision? Was that something that the American people needed to hear and see?

One thing that has always helped at those moments was a quotation of Walter Lippmann. Lippmann was one of the great journalists of American history. And he used to say, "The journalist's job is to portray a picture of reality on which the citizen can act." Public opinion was a vital force in the Vietnam war, as in all American wars, whether it was a Tonkin Gulf or a comment about our war effort. Did I have the authority, the right, to black out that very descriptive moment from the American people's vision? I thought I made the right decision then. I still think it was the right decision. I did it. That's what I got paid to do. And Morley Safer still says that it's just as it happened, that it asked all of the right questions.

Now we come to Grenada, nine or ten years ago in the Reagan administration, when the military went in to that small island in the Caribbean under direct authority from President Reagan but

with no declaration of war by the Congress. The press screamed and yelled that a war was being fought and the American people had no way of seeing it on television or reading about it. And this time the military was very crafty. They had learned at least one lesson from Vietnam. They learned that if you had the press there, then everything is going to get out. They wanted to do it surgically, and they did. Grenada was a great success from a standpoint of the military. The important question is whether in the name of military necessity one can deprive the American people of the right, if there is a right, I think there is, to know what's going on -- what our presidents are doing in our name.

Following Grenada, I have been invited several times by Secretary of Defense Caspar Weinberger to Washington to talk about this problem with other Defense officials. Secretary Weinberger proposed that they work out some kind of pool arrangements; that is, every time there was an invasion or an event like that, a pool of ten correspondents would be selected to accompany the troops. The pool reporter, one of the reporters, would write about it and every newspaper and every television station could use it. I thought that would be pretty good if Secretary Weinberger could get the press to agree to it. The problem would be access. The problem is, can you say to the press, perhaps 1,400 different correspondents, "You can't go in, but your colleague can and he or she will report it for you?"

That never happened in Caspar Weinberger's day nor in mine. But it did happen in the Persian Gulf.

And that is what I would like to talk with you about right now. In the Persian Gulf war, a war whose context and history is familiar to you all, a pool arrangement was tried. To the journalists the key question was access. What Murrow and his generation wanted was to be on the landing ships at Omaha Beach and Iwo Jima in World War II. If you're not there, you're the prisoner of an Army or Navy briefing officer who tells you what the Army or Navy wants you to know, and you are really reporting second-hand news.

So when the Defense Department tried to do a pool arrangement in the Persian Gulf, the news media rejected it, rightly or wrongly. I suggest, possibly wrongly. The problem for the military, to put myself in the military's shoes for a moment, was there were 1,400 correspondents, cameramen, and soundmen in the Persian Gulf area. They all wanted to be some place. They all wanted to be with the Iraqi soldiers, if they could, but certainly with American soldiers.

General Schwarzkopf said: It's impossible to put 1,400 people with 1,400 companies or battalions or regiments. We can't do it. And we don't have Army officers who could be the censors.

And the news media said: "What do you mean censors? We don't want to have any censorship. No war has been declared."

So there was a great confrontation between well-meaning people in the military and well-meaning people in the news media, who complained that the American people were being shut out of what was happening in the Persian Gulf. I say to my colleagues in the news media, how can so many correspondents be absorbed in a finite number of regiments or battalions or companies? How would the commanders of those units be able to incorporate reporters in their battle scene?

And yet today, six months after that great victory in the Persian Gulf, the news media is still complaining, (and I might be with them) that without access, you can't cover a war. But the military understands that their battlefield commanders have to be able to do their best (and maybe their worst) to win the battle. The next war may find 14,000 reporters in the field. How do you handle that? It is an almost unthinkable problem because it runs into two of our freedoms. What price freedom? Freedom to win a war. The responsibility to win a war.

After all, General Schwarzkopf, like General Eisenhower, is not going to be remembered for the fact that he let the news media in, but for whether we won the war or not. And the news media has the job of reporting the war in such a way that the American people will understand what we're fighting for. A former chairman of the Joint Chiefs said to me once, "I keep telling the president, 'Don't get us into another war in which the American people are not solid. They have to believe in the war or we can't win the war.'" That was certainly true of World

War II. American public opinion was for the war because of Pearl Harbor. But if you have a war in which you are asked to fight and the folks at home don't understand why, don't understand what the war is about, you possibly doom your battlefield performance.

Some of you will surely be battlefield commanders and you will have a GI or a civilian correspondent assigned to you to cover that battle, that invasion, that scene. What I hope is that your experiences will enable you to know something about what I have been talking about tonight and what the problem is: that you have immovable objects clashing, the soldier's right to fight that war as best he or she can and the reporter's right to report it as best he or she can.

The problem is made even worse today partly because of the mechanics and the electronics. In my day, to do a live report from the battlefield, you needed a mobile unit the size of a bus with a big transmitter and ten or twelve technicians. And then maybe a Cronkite or a Murrow could stand on the roof and describe a battle scene, if they understood what was going on. Today, miniaturized equipment can put a live picture on from the Persian Gulf, or Vietnam or Korea or Yugoslavia at a minute's notice with a correspondent talking live from the scene of the battle, understanding it maybe, not understanding it perhaps.

And then the miracle, one we don't seem able to manage yet, is that that report which could be critical, is watched by enemies and friends, is instantaneously seen all over the world.

I tell my students at Columbia that when a howitzer or a tank fires a shell live on television, the sound and the sight of that shell going off would be seen in New York, Chicago, Los Angeles or Moscow before the sound was heard on the battlefield in Iraq. That's unbelievable for a battlefield commander -- that he will have no control of that and that the reporters may have little knowledge of the reality of the battlefield.

Maybe they ought to go to West Point. Maybe you ought to go to journalism school. Because in the end of the day, these two grand forces in Americas society clash with each other. General Eisenhower seemed to understand that when he said what I said earlier: "Your cameras, your microphones, your pens are part of my artillery. I can't win this war without you." I don't know whether that's true anymore, but I know you can lose it without us understanding what the war is all about.

Your job as battlefield commanders, your job as leaders of a democracy, which General Eisenhower, General Westmoreland, and General Marshall were, includes explaining the battle and why we fight. Is it important? I think it's the most important thing in our democracy -- an enlightened public, a public that understands why their sons are being brought to fight under you. The right to know--they need to know.

My mother was a pacifist and she always told me, "Son, what you don't know, can't hurt you." She was wrong. What the American public doesn't know can kill us. What we don't know

about what's happening in Belgrade, what we don't know about what's happening at the Iron Curtain, what we don't know about what's happening in our cities, what we don't know about what's happening in the environment, could kill us -- the direct opposite of what my mother taught me.

It's important for you who will be leading people in the battle to make sure the troops understand. I'm sure you've been taught that. It's equally important that you be the kind of commander that understands that the resilience of America is dependent upon citizens understanding why we are paying the price for freedom that we do pay. You have to understand. You can't be a media hater and the media can't be a hater of you. We are all in this together. It's why we are a country. It's why we fight. It's why it's important for us to understand all these things. And I have to confess that sometimes I'm not sure my profession does understand all this.

I want to run you a piece of tape. It runs about six minutes. You may have seen it on television a few years ago. It involves Mike Wallace, a former colleague of mine, and Peter Jennings of ABC. The scenario, which was taken from real life, is that in a country (let's say like the Philippines) a correspondent is out in the field with enemy forces and they're going to ambush an ally's battalion. American advisors are with that battalion. The reporter is part of the ambush because he is covering the enemy, and he knows that in a matter of five or six minutes there will be automatic weapons fire and a lot of people

will be killed. What do you do? Do you alert our country? Do you alert our allies? How do you do that? Do you yell? Do you scream? Do you photograph it? Do you eventually put it on the air? I would like you to look at this right now.

THE TAPE: \* (From Ethics in America: Under Orders, Under Fire.

By permission.):

Interviewer: Mr. Jennings, this is the next wrinkle on this hypothetical. You can safely go with a North Kosan unit. And they are going to show you atrocities being committed by South Kosanese. And you're interested. You're curious about why are we at war, what are our allies doing.

Jennings: When you first told me some days or weeks ago that war had broken out, I had made an enormous effort to get a reporter into the North Kosan theater.

Interviewer: Wait a minute, that's the enemy. Are you going to send someone over there?

Jennings: I am very interested as a news organization in having all perspectives and if I can get in a reporter, particularly an independent reporter. We have been in circumstances before where we have been obliged to take reports from the other side from less than independent reporters. If I can get an independent reporter in North Kosan, you bet.

Interviewer: General Westmoreland, what do you think about that?

Westmoreland: Peter, I admire your courage.

Jennings: It's stupidity in my case, General.

Westmoreland: Roger that. If you want to stick your neck out and jeopardize your safety by trying to go behind the enemy's lines -- assuming that the enemy is of the United States and you are a US citizen -- if you want to take that chance, well, you're on your own. The military has no authority over you whatsoever.

Jennings: We understand that, General, and we both know that I've been in wars, including Vietnam. It's happened. And we also know that reporters have died in the process. Correct?

Interviewer: Do you have any other problems with it except his safety, General Westmoreland?

Westmoreland: No, I would be interested, frankly, in his observations when he gets back.

Interviewer: You would like to see the tape yourself, right?

Westmoreland: Well, perhaps he could provide some important intelligence. But I think it is quite hypothetical. I don't think this would ever happen.

Jennings: Well, let me just point out again that it has. I mean it happened in Cambodia. And we lost reporters. It happened in North Vietnam. We didn't get Americans into North Vietnam. But we got third country nationals into the North Vietnamese side of the conflict. And those reports did on occasion appear on the television screens of the United States, Western Europe.

Westmoreland: I am unaware of that.

Interviewer: Mr. Jennings, so you've got the chance with the North Kosanese unit. And, of course, they're going to share with you the atrocities by the South Kosanese. But as luck would have it, they aren't able to get there because there is a skirmish; there is some confusion. And, in fact, the North Kosanese are about to ambush a unit of South Kosanese soldiers.

Jennings: I'm afraid to say that I really think as a reporter, and I hope this is taken as the hypothesis it is, as a reporter I really think you go in. You should understand going in that the possibility exists that you may come upon a South Kosanese unit. You also make the decision going in that the possibility is you will come upon an American unit. My feeling would be as a reporter that you would have to make that decision before you went. And that if you're in, you're in. I mean I live in fear, of course, of coming upon an American unit as well as a South Kosanese one. If you made the decision, you would film the North Kosanese shooting the American soldiers. Well, I

guess, no, I wouldn't. I'm going to tell you now what I'm feeling, rather than the hypothesis I drew for myself. If I was with a North Kosanese unit that came upon Americans, I think I personally would do what I could to warn the Americans. Even if it means not getting the live coverage. Well, it would mean my life and I don't have much doubt about that, I think. And I'm very glad this is a hypothetical. But I do not think that I could bring myself to participate in that fashion. That is purely personal. Other reporters might have a different reaction.

Interviewer: Mr. Wallace?

Wallace: I think other reporters would have a different reaction, such as they would regard it simply as another story that they are there to cover. They are going to cover enemy soldiers shooting and killing American soldiers. Yes.

Interviewer: Could you imagine how they would report that to the American people?

Wallace: Surely I can.

Interviewer: Could you do it?

Wallace: Would I do it? I'm an old man.

Jennings: I don't know that I would. I would find it very difficult to believe that I would.

Wallace: I am astonished really to hear Peter say that. You are a reporter. Granted you are an American. But you are a reporter covering combat between North Kosan, South Kosan and the allies. And I'm a little bit at a loss to understand why because you are an American you would not have covered that story. When we go back to Vietnam, there were all kind of reporters that did indeed go in to Hanoi. Who wanted to go to Haiphong. Everybody wanted to go there. Why would a reporter say that I am not going to cover that because I am unhappy about what is happening there?

Interviewer: It's not unhappiness, Mr. Wallace. The question is, don't you have a higher duty as an American citizen to do all that you can to save the lives of soldiers rather than this journalistic ethic of reporting the fact?

Wallace: No, you don't have the higher duty to, no, no. You're a reporter. Your job is to cover what is going on in that war. People know that Americans are getting killed in that war. Lord knows, it's a hypothetical. I would get on the phone with Peter and say, "What the dickens do you mean?"

Jennings: Yeah, I think he's right too. I would chicken out. I would play the hypothetical very hard, but I think he's right.

Scowcroft: I think they've got the same problems that Frederick Downs has.

Interviewer: What is the problem, General Scowcroft?

Scowcroft: I think the problem is the situation of the job as opposed to a higher cause. First of all, I think that you are Americans first and you're journalists second. Just as I think that Downs is; sure he's a unit commander and he's got these terrible ethical problems, but we do live by rules in this society, rules of right and wrong, even situationally in the broad sense. We can't get away with this.

Interviewer: General, what in the world is wrong with photographing this attack by North Kosan on American soldiers?

Scowcroft: Simply because of what's it worth. It's worth 30 seconds on the evening news as opposed to saving a platoon. I mean, what difference does it make on the evening news? You see some Americans get killed.

Jennings: In other words what you're saying is that the reporter should say, "Hey, hold it fellow Americans; these guys are about to go after you." And you die. That's really what the question is here.

Scowcroft: Yeah.

Interviewer: And your answer is?

Jennings: I don't know, you see, and I agree with Mike intellectually. I really do. And then at the time I made another decision. But it wasn't the one I made at the moment. I would like to have made his decision.

Interviewer: General Westmoreland?

Westmoreland: Well, it's rather repugnant to me, and I think it would be repugnant to the American public to see on film in the United States an ambush of an American platoon by our national enemy. The conclusion that would be drawn is that the network is in cahoots with the enemy.

Interviewer: General, today the same question is raised actually in the cities of this country in which you say, if you knew that a murder was going to take place, ahead of time, would you cover that story? Or, would you let the object of that murder know? Or would you let the police know?

Wallace: I think, and I have answered this question before, I think that I would surely not let the man or the women be murdered. I would let the authorities know. Then you say, all right, under those circumstances now move it over into war. And I'm going back and forth as I sit here. I understand all of the stresses and strains that are going on. It is a hell of a dilemma to be in, I think. Father Hehir, we are saying that torture and the killing of prisoners are a violation of something that never should be done. Now that is a negative argument. It says that you should never kill the innocent. You should never torture. And at least the case that Downs was building was that he in principle could kill the innocent or torture under given circumstances. Under certain circumstances. Okay under certain circumstances. But, I mean it is a different moral case when you

have an affirmative obligation. That is to say an affirmative obligation is the question of should you protect, do your best to protect American lives. Or how do you balance your affirmative obligation to protect American lives and your affirmative obligation to report the news? That's a moral choice. There really are different kinds of moral questions here.

Interviewer: Major Stuart and Colonel Connell, I can see the venomous reaction you're having to hearing this.

Stuart: I think what we're asking a reporter on the scene to do is keeping in mind that that individual is not a combatant. We expect our combatants to do in the normal course of their duties that which is heroic at all times. We are now all of a sudden charging the reporter with doing the heroic. And that maybe for them it is super heroic to jump up and yell and scream and warn the Americans. I think that is different, however, than that which we expect of ourselves while in uniform and in a combat situation.

Interviewer: Colonel Connell?

Connell: I feel utter contempt. Two days later they're both walking off my hilltop. They are 200 yards away and they get ambushed and they're laying there wounded. And they're going to expect I'm going to send Marines up there to get them. They're just journalists; they're not Americans.

(End of Film Tape)

Well, your response tells me where you come out on all this. You know, there's a name I should have mentioned before, William Howard Russell. William Howard Russell worked for the London Sunday Times in the 1850's. He covered the Crimean War and the charge of the Light Brigade. Big battle. For the first time in the history of the planet, using a telegraph key, he sent back to the London Times an account of what was happening in the Crimea. And it is alleged, perhaps truly, that that completely changed the British people's outlook on the war. His name is part of the history of my profession seldom known elsewhere. I thought as I watch the tape with you, it really makes you think. And as I said in the beginning, my job is to make people think. To make you think.

I think my profession is an underdeveloped profession. We have only been in the electronic game, which is what this is mostly about, for 30 or 40 years. Radio, maybe 50 years. You, the military commanders, have only had to face problems like this in the last 50 years. We must learn about each other, and we've got to learn about each other someplace prior to the battlefield. Because if it's going to be worked out on the battlefield, in Grenada, or some place like that, it's going to be a disaster, or a farce, or a tragedy, or a Vietnam, or all those things.

One last thought. We must be better at being able to think out our dilemmas, we the people of the United States. It seems to me that we among all the animals of the animal kingdom, we the human animals, are the only ones capable of thinking.

Before we get trapped in a situation like that with Wallace and Jennings, we can think about it. We can learn from them. We can study them. We can study human psychology and philosophy. A military commander can invite a soldier and a correspondent to join him in the battlefield and think about what it's going to be like when a situation like that evolves. We can do that because we have the capacity to think. If only we would think.

That's a big assignment. It's what West Point is all about, making you thinking, battlefield commanders. It's what my job at Columbia is all about, making reporters who will cover you understand the life and death situations you may face in the name of our country. That is what freedom is about: freedom in thinking on opposites side of the same coin. And that's why I am so delighted to have been invited here tonight. I hope someday you'll invite me back. Thank you.

## ABOUT THE SPEAKER ...

Mr. Fred Friendly has been called "one of the pioneer broadcast journalists," a title he has earned through a lifetime of achievements and innovations in network news, public broadcasting, documentary production, published works, and academe. Born in New York City and educated in Providence, Rhode Island, he began his broadcasting career in radio. Following Army service in World War II in both the Far East and European theaters, Mr. Friendly returned to New York, where he began an enduring partnership and close personal friendship with Edward R. Murrow.

At CBS, he produced with Murrow the "See It Now" series, winning 35 major awards. There he rose rapidly to the posts of executive producer, and then in 1964, president of CBS News, where he was instrumental in creating the highly acclaimed "CBS Reports" series. In 1968, he accepted the post of Edward R. Murrow Professor of Journalism at Columbia University, a position he still holds in emeritus.

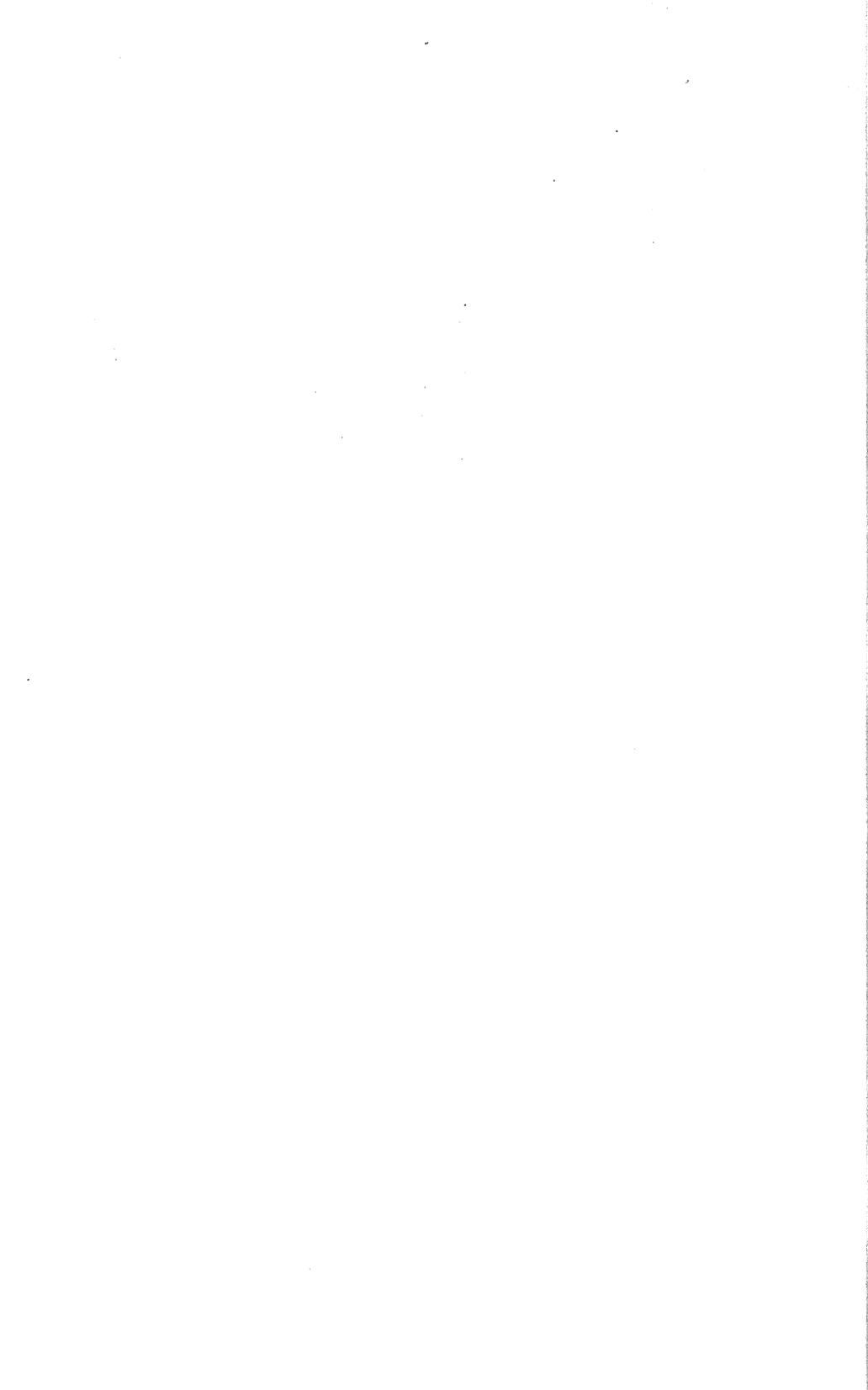
Since 1974 he has also been deeply involved with the Ford Foundation's "Seminars on the Media, the Law and Public Policy," presenting over 500 seminars, many of which you may have seen on PBS. With these seminars and his publication of five books and numerous articles, Mr. Friendly has positioned himself at the forefront of efforts to broaden the American public's understanding of the relationship of the press and society.

PAST FEINSTONE LECTURES

- 1971 - General Harold K. Johnson
- 1975 - Rear Admiral Jeremiah A. Denton, Jr.
- 1976 - Herman Wouk
- 1977 - Sidney Hook
- 1978 - Vernon E. Jordan, Jr.
- 1979 - Barbara W. Tuchman
- 1980 - Isaac Bashevis Singer
- 1981 - Carl Sagan
- 1982 - George F. Will
- 1983 - Hanna H. Gray
- 1984 - Milton Friedman
- 1985 - Daniel Patrick Moynihan
- 1986 - Tom Wolfe
- 1987 - Elie Wiesel
- 1988 - A. Bartlett Giamatti
- 1989 - Dr. Richard Selzer
- 1990 - Dr. John Stoessinger



Dr. Sol Feinstone, (1888-1980), Founder and First Director of the David Library of the American Revolution, Washington Crossing, Pennsylvania, presenting to Major General J.B. Lampert, Superintendent, USMA, a gift of an original George Washington Letter (24 February 1965).





## SOL FEINSTONE'S CREDO

### DEDICATED TO

The Judeo-Christian commitment of self-sacrifice for peace on earth, and the brotherhood of free nations of free men;

The Spirit of '76, a struggle of free men to remain free;

The immigrants who came after the revolution and helped build our country in freedom;

The underprivileged of all races who, by uplifting themselves, will raise all mankind to a higher humanity.

### MY DEFINITION OF FREEDOM

In the beginning there was the void of sameness; the spark of life made everything different.

The stamp of sameness is the stamp of death.

Freedom to me means a social order based on individual freedom to live differently and to dream differently. I dream of a Brotherhood of Free Nations of Free Men.

Sol Feinstone

The following information was obtained from the files of the Department of State.

In the course of the investigation, it was determined that the individual in question had been in contact with certain individuals in the United States.

The following information was obtained from the files of the Department of State.

It is noted that the individual in question was born on [redacted] in [redacted].

He is the son of [redacted] and [redacted], both of whom are deceased.

The individual in question has been in the United States since [redacted].

He has been in contact with certain individuals in the United States, and it is noted that these individuals are of interest to the Department of State.