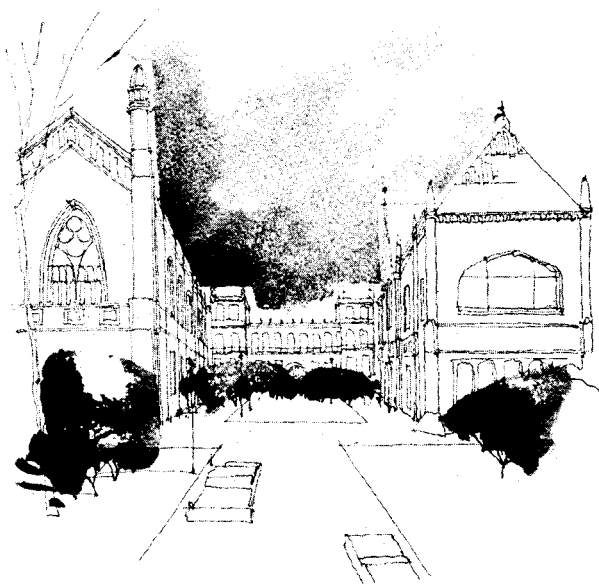


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# Liberty, Leadership, and License

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# Liberty, Leadership, and License

BIRTHDAY celebrations are always a time for looking back and looking forward. On the occasion of our 200th birthday, Americans have obeyed this natural tendency and look back in wonder at the distance we have come from scattered states in the wilderness to the world's premier democracy—the only democracy upon a continental scale in all human history. But if we are to believe the dominant theme of what we read, Americans no longer look forward with the extraordinary confidence that astonished de Tocqueville: "America is a land of wonders, in which everything is in constant motion and every change seems an improvement." This attitude, not so long ago, was the prevailing American philosophy. Today it would have to appear as a paid newspaper advertisement to appear at all.

This change in attitude cannot be attributed entirely to recent events, because the troubles of America one hundred years ago were not unlike some of those from which we suffer today. The nation was then recovering its poise after the misdoings of President Grant's administration. Scandals scarred the cities, even though the notorious Tweed ring had at last been broken. The state of the economy could only be described as a depression. Nevertheless, when men looked back from 1876 to 1776 their perspective improved and, despite many troubles, there was a lively awareness of fundamental progress which awakened fresh confidence. Optimism, without which democracy withers, was the dominant mood.

**NOW WE LOOK BACK** over another century. In superficial ways it might appear that little has changed. We are just emerging from another humiliating executive scandal and from a recession deeper than many earlier troughs in the economy. Some of our cities are declining and the largest teeters on the edge of bankruptcy. Nonetheless, any rational person would say that the achievements of the last century in the conquest of diseases, in increased longevity, in civil rights, in scientific strides, in a communications revolution, in progress in arts and letters constitute a catalog of marvels.

Yet the accent today is not on evidences of progress in a multitude of fields; the heaviest emphasis is upon failure. The media, supported by some academic "liberals," would have us believe that things are not just going badly, they are growing progressively and rapidly worse. The dominant theme is the new American way of failure. No one wins, we always lose. Jack Armstrong and Tom Swift are dead. If an individual says anything that sounds important, it is either ignored or nit-picked to death by commentators. Logical argument has given way to sniping. We no longer have great debates. The accusatory has replaced the explanatory. Let one scientist resign and say that nuclear power is a lethal accident waiting to happen and he is awarded the front page with pictures. He has unlimited interviews on television. The massive achievement of hundreds and hundreds of scientists and the comfort of millions of citizens **who** enjoy the products of nuclear power go for nothing. We daily see illustrated a point made by the jurist Oliver Wendell Holmes: "When the ignorant are taught to doubt, they do not know what they safely may believe." The media should beware of sowing the dragon's teeth of confusion.

Two or three years ago the focus of the media was upon those who proclaimed that

the task of recycling the avalanche of oil dollars funneled into the coffers of the Arabian oil exporters was not only impossible, but was certain to disrupt the world's monetary structure. Alarm was the order of the day. Those of us who said the free market could handle it were ignored. What has become of that uproar? Scarcely an echo remains. The heralded catastrophe did not occur—so there is said to be no news to print. There is no song of triumph that the free markets functioned. Success brings only silence. If events have not the power to scare the public to death, ignore them, or find a new Cassandra to idolize.

The Concorde is the current bugaboo. Lost in the shuffle is the fact that we have hundreds of supersonic military airplanes that break the sound barrier many times daily, making an estimated 40,000 supersonic flights a year. We are used to these. They are not news. When, however, after long consideration, and on a carefully monitored basis, a responsible official approves a minimum number of passenger supersonic flights subject to scientific and economic analyses, one would think from the uproar that we were precipitating nothing less than disaster.

It is THIS technique of incessantly accenting the negative that erodes optimism, one of the cornerstones of democracy. To function at all, a free society must be supported by the firm faith that man is capable of fashioning ways of life that time will prove better than his earlier efforts.

In a free nation, the perspective must be longer than one life or the current problems. Endless harping upon the shortcomings of our society and on the powerlessness of the individual not only undermines morale at home, it is a needless diminution of our world prestige. An editorial in the *London Telegraph* put it succinctly: "It's time America's friends

spoke out with some nasty questions to . . . the press, sections of Congress, television commentators, comedians, university pundits and a lot of other people who think there is a dollar to be made out of denigrating their country's institutions and leaders." No wonder the British poet and critic, Stephen Spender, exclaimed that Americans are "the most anti-American people in the world."

The fate of our Republic depends upon whether Americans can recover a profound belief in the democratic process. In order to regain that faith, we must have leaders, even if the quality of that leadership is not perfect in the eyes of the omnipresent media.

THE PROGRESS of mankind is not always advanced by the most photogenic or the most glib among us. J. Bronowski in his great book went further. ". . . The ascent of man is not made by lovable people. It is made by people who have two qualities: an immense integrity and at least a little genius." In today's world, thoughtful people have to ask the question whether any leader can survive long enough to move us back into a belief in ourselves. Since every leader is human, and therefore flawed, it follows that no official is or can be perfect. "If you demand a perfect leader or a perfect society," Abraham Maslow wrote, "you thereby give up choosing between better and worse. If the imperfect is defined as evil, then everything becomes evil, since everything is imperfect." The fundamental difference between better and worse has not changed over the years; what has changed is the manner in which the better is ignored and the worse reported incessantly.

That is why Daniel Moynihan, whose faith in his own country was too obvious and whose words were too plain, is no longer on the public payroll. Clearly he is not cast in the mold of the professional diplomat. Had he been he

could not have made the needed impact. The pretense for objection to him was his style; the substance was his forthright patriotism. No one should have been surprised at his actions since he spelled out in great detail what he would do in his article in Commentary. There was adequate chance during Senate hearings and votes to prevent his appointment if his views were not the sentiments of the public. Truth spoken in plain English made some uncomfortable, and terror on the left must be pacified.

The democratic ship requires real leaders; without them it has no steerage way. Leadership need not be perfect to deserve support. This is not to say that crime, duplicity, or even stupidity should not be exposed—they should. In the long run the only way to be accepted in any marketplace is by making a product or supplying a service that people want. This is as true of political leadership and of ideas as it is of material goods or services. No one has ever improved on Oliver Wendell Holmes's dictum that "the best test of truth is the power of the thought to get itself accepted in the competition of the market."

**REAL LEADERSHIP** requires vision. And vision by definition is a view of the future which cannot be proved at the moment of utterance. That makes it no less important. In an ancient book, no longer available for study in public schools, it is written: "Where there is no vision the people perish." Time has vindicated that maxim.

Since the scandals of Watergate, the news business has been demanding total disclosure from our leaders. No one should or would want to denigrate the important part the press played in revealing that mess. However, the illusion has now been created that a cloud of secrecy has been thrown over every act of gov-

ernment hiding dark motives. But not all secrets are evil. The framing of sensible policies requires candid speech, because only in this way can leaders fully explore various alternatives. Confidentiality is often essential to candor. Else nothing is achieved while rival factions seek media support before a decision is reached.

The framing of our Constitution illustrates the point. Not only was the press barred entirely from all the meetings, but each delegate had to pledge to preserve the confidentiality of the discussion. Without obedience to that fundamental rule the great compromises that lie at the heart of its success could never have been achieved. Once agreement was reached, public disclosure of the result and debate properly followed.

THERE IS an old saying that no man can be a hero to his valet since the valet's duties made him see his employer at his most undignified. The news business now seeks the intimacy of the valet. The media peer at us from all angles and at all hours of the day and night; it loves to record all our human frailties. This voyeurism has been accompanied almost simultaneously with the judicial repeal of effective libel laws and transfer of classified documents for profit to the news media. This trend toward the total destruction of privacy reached its fictional apex in George Orwell's 1984. You will recall that in that grim forecast all society was monitored by a "telescreen" which transmitted every sight and sound. You had to live, said Orwell, "in the assumption that every sound you made was overheard, and, except in darkness, every move was scrutinized." Justice Brandeis might have been thinking about that possibility in an essay written in 1890. With remarkable foresight, the Justice defended the right to privacy; he foresaw "instantaneous photographs and mechanical de-

vices" invading the "sacred precincts of private and domestic life." He also predicted the day when "personal gossip attains the dignity of print, and crowds the space available to matters of real interest." He reverted to the same theme in the Olmsted Case where he spoke of the "right to be let alone" as "the most comprehensive of rights and the right most valued by civilized man."

From your State of Illinois came one of our greatest leaders. There are few leaders in history who have been as savaged by the press as Abraham Lincoln; yet he framed the great issues of the day in a way that vindicated the Union. So limited were the media of his day that the personal attacks still left him areas of privacy which the modern values of the news business would no longer permit. That raises a substantive question: Are we making ourselves ungovernable by total exposure of all human frailties exacerbated by constant repetition of things which often turn out to be fundamentally irrelevant to the conduct of leadership?

In the unlikely event that Lincoln could have gotten himself elected to the Presidency in today's journalistic environment, the front page treatment of the leak from the Oval Office would have driven him from office. The lead for this "investigative report" would recall how Lincoln failed to show up for his own wedding when the ceremony was first scheduled; that revelation could then furnish the subject of an hour special with Dr. Joyce Brothers. Such a bizarre lapse of memory combined with his behavior upon the death of Ann Rutledge would supply more ammunition than was used to dump Senator Eagleton from the Democratic ticket in 1972. The story would reveal that when Mrs. Mary Livermore of Chicago talked to the President in 1862 about relief for wounded soldiers, Lincoln's

face had ghastly lines and "his half-staggering gait was like that of a man walking in his sleep." Fortunately for the fate of our Union, there was no talk show to interview Mrs. Livermore. As the facts came out, one would hear Lincoln worry about his wife's health. We would learn of his unease about the fact his wife's own brothers served in the Confederate Army, a conflict of interest big enough to drive any commander-in-chief from office in the midst of a war.

**TODAY'S DEMANDS** of the news business for a full medical report on the health of the President would have revealed that just 10 days after his second inauguration, Lincoln was so exhausted that he presided over his cabinet meeting from his bed. In addition to his physical problems, Lincoln had political problems with most of his cabinet. His Secretary of State, in the words of one diarist, "was intensely anxious to control and direct the War and Navy movements, although he had neither the knowledge nor aptitude that was essential for either." To further improve the functioning of the White House team, a breathless world would learn that some cabinet members did not even meet each other for months after their appointments.

Eventually, an enterprising reporter would have revealed the awful truth that the President was a politician and interested in staying in office, even at the risk of offending what some believed to be the priorities. Never was this more clearly illustrated than in the first meeting between the President and Charles Francis Adams, himself the grandson of a President. Brought to the White House by Secretary of State Seward, and expecting to get instructions regarding his appointment to be Minister to the Court of St. James's, Adams thought that the President appeared disheveled in dress and distracted in manner. Lin-

coln offered his new minister no advice at all on foreign policy, but after greeting him briefly turned immediately to consult Seward about a post office appointment in Chicago. All of these details are true. But they had little to do with the quality of Lincoln's leadership in saving our Union.

Many of Lincoln's problems were reported and magnified by a hostile press, but in those days the news business was not the monolith it is perceived by many to be today. There were hotly partisan papers, and lots of them. Today the media, which monitor life in America around the clock, insist that they are neither liberal nor conservative, yet there tends to be a marked sameness in their views. Columnist Tom Wicker called attention briefly to a profound truth: "The press inevitably reflects in its attitudes and broadcasts the perceptions of the people who write and produce them. Their perceptions tend to be remarkably similar, since these men and women influence each other as well as the public."

WE HAVE MOVED a long way from our traditional values when a leak, however inconsequential its nature, will command far greater attention in the media than voluntary disclosure of all facts on a vital issue. It would now appear that leaked information, even when the transmittal of such material is in clear violation of the law, is now printed or put on the air unhindered by any rule of law or ethics. While leaks are nothing new, the reception accorded them by the media is far different today from times past. When Senator Benjamin Tappan of Ohio gave a copy of the still secret treaty for annexing Texas to the *New York Evening Post* in 1844, the *Post* then, as it would now, printed it. An uproar ensued, Tappan admitted his part in it, and was thereupon censured by the Senate. This is a far cry from the leaking of the names of American

intelligence officers with no effective censure from anyone.

IN ADDITION TO a change in values, there is another vital shift in our society. An effective right of reply has always been a characteristic of a free society. As a practical matter, only an employee of the news business itself has the unlimited power of effective refutation. Recently when someone accused Walter Cronkite and John Chancellor of having at one time been CIA agents, they had all the time they needed to deny it on their own shows in prime time and their colleagues saw to it that the story died. Others of us would not have had that advantage, and might, like some victims of Senator McCarthy, chase a lie for 20 years. It is the power to pick page one, or page 29, or no page at all that really matters. A journalist, Leopold Tyrmand, recently put it this way: "Deciding who stays on the stage and who leaves, while they keep the stage forever, gives them an air of invincibility that seems unpardonable to all those to whom democracy is instinct, intuition, and an elusive promise of something better. The real source of the media's monopoly is the formidable power of repetition, totally reserved for them. An opinion must be incessantly sustained to become earth-shaking or simply correct. We can imagine Copernicus writing letters to editors announcing that the planet is round, and having only one published. Should the media, for some reason, have preferred to claim that it is flat, Columbus wouldn't have set sail till now."

MOST BUSINESSES, other than the news business, are accountable for their actions to some federal bureaucracy or court. If a mouthwash claims to prevent colds but is found not to do so, then a ruling with the force of law will require each new advertisement to carry a dis-

claimer. We have no pure news laws, and no bureaucracy, indeed no judge can require a network or a newspaper to retract a misleading story in specified type size for a specified number of days. No one would suggest such a law, nor should anyone. But in an age when corporate directors are properly being held accountable for management's transgressions of laws or values, directors of companies in the news business are often told flat out they cannot influence editorial policy. This caveat obtains even if directors perceive these policies are not in the public interest.

The recital of these facts is not in any way an attack on the First Amendment. Quite the contrary, I believe very strongly that a free press is absolutely essential to our liberty. Yet freedom itself can turn into license, and that is why accountability is required by society. The distinguished editor and journalist, Vermont Koyster, recently put it this way: ". No man is free if he can be terrorized by his neighbor, whether by swords or by words; this is the justification of laws against violence and against libel and slander."

**POWER** without accountability is an invitation to trouble. History teaches that when any sector of our society grows too powerful it is only a matter of time before that power is curbed. Usually the sector affected, be it business or labor or the police or the press, fails to appreciate why society is reacting as it is to what they perceive to be right and just. The news business which makes its money criticizing others reacts to criticism the same way you and I do. Senator Fulbright recently wrote that not all people who suggest the news business could be improved are Fascists, even though editors go "into transports of outraged excitement, bleeding like hemophiliacs" from the pin pricks of their critics. Like other sectors of our society whose power has become very

great, some in the news business seem to believe that the end justifies the means. The "truth" must be revealed, no matter how obtained or how irrelevant, or how, in the judgment of legal authority, adverse to the public interest. A dedication to the truth is a noble objective. However, some truths are more significant than others, some have no significance. Some for the protection of privacy, some for reasons of state should not be told at all.

If we are to preserve the First Amendment—a guarantee of freedom not only almost unique in political history, but also precious to our democracy—the media should reflect that the effective functioning of a democracy requires the most difficult of all disciplines, self-discipline. The freedom of us all rides with the freedom of the press, but its continued freedom and ours will depend in the end upon the media not exploiting to the fullest their unlimited power. It can and must criticize the Government but it cannot replace constitutional authority by saying no secrets are valid.

TODAY on our Bicentennial then we have a situation unprecedented in the history of the world. When the founding fathers urged the adoption of the First Amendment, every state had sedition laws and libel was an effective restraint. Several state constitutions had restrictive clauses. No less a friend of liberty than Thomas Jefferson defended the restrictive Virginia statute: "While we deny that Congress have the right to control the freedom of the press, we have ever asserted the right of the states, and their exclusive right to do so." The sedition laws were repealed one by one, libel laws withered away, the Supreme Court extended the prohibition of the First Amendment to the states. For the first time man has created one sector of society with virtually no restraints in law or ethics, except self-restraint. Freedom of expression collides with the right

of privacy on a daily basis. This poses questions for us all.

In a world in which one government after another gives up democracy, all of us must justify our freedom by the use we make of it every day. When freedom is abused until it becomes license then all liberty is put in jeopardy. History suggests that often liberty is curbed because we assert that any diminution of a raw assertion to freedom is too high a price to pay to preserve its substance. On our Bicentennial it should not be too much to hope that men and women of goodwill can learn to exercise the self-discipline required to discard license in time to preserve liberty.