

LIBERTY UNDER SIEGE

The Reagan Administration's taste for autocracy

By *Walter Karp*

The Reagan Administration came to power firm in its resolve to liberate corporate enterprise from government regulation, to free the economy from the incubus of the welfare system, and to reduce the government's role in the life of the country. It never said that these far-reaching goals could not be achieved by the ordinary methods of democratic persuasion and the established procedures of congressional lawmaking. The Administration never contended in public, and perhaps not even in private, that the exercise of liberty gave its enemies an unfair advantage, or that the traditional sources of public information kept the electorate too well informed, or that popular government in general was a hindrance to its aims. Only once did any ranking member of the Administration publicly admit that the "Reagan Revolution" included—indeed necessitated—a program of drastic political change. This occurred in late 1981, when David Stockman, the White House budget director, said that the new Administration's success "boils down to a political question, not of budget policy, or economic policy, but whether we can change the habits of the political system." After Stockman's outburst of perilous candor, the curtain came abruptly down. It has not risen again on the political intentions of the Reagan Administration, for the habits the Administration has striven to change have been, by and large, the habits of freedom.

"What we are witnessing," said the American Civil Liberties Union in November 1981, "is a systematic assault on the concept of government accountability and deterrence of illegal government conduct." Alas, "we," the people, were not witnessing a thing, and have not been witnessing a thing for almost five years. In politics, what is seen is what is talked about, and the "systematic assault" has not been talked about—not by the Administration, not by Congress, not by the opposition party, not by the press.

Nothing is more important, however, than what public men prefer not to discuss. For nearly five years now the Reagan Administration has been engaged in an unflagging campaign to exalt the power of the presidency and to undermine the power of the law, the courts, the Congress, and the

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curtail the freedom of the press in America. The CIA files a complaint with the Federal Communications Commission against the American Broadcasting Company that could result in the loss of its broadcast licenses for airing a false charge, later retracted, against the agency. Since the CIA's unprecedented suit has the backing of the White House, the FCC proves obliging. Even though it eventually rules against the CIA, the FCC declares that any agency of the government henceforth has the right to file such a complaint against a broadcaster (under the Fairness Doctrine) if it feels it has been unfairly abused on the airwaves. Thus has the FCC reinvented seditious libel. By bureaucratic fiat, it is now an offense punishable by the threat of extinction for any broadcaster to treat the executive branch unfairly—in the judgment of the executive branch.

As long as Americans still cherish a free press, however, the Administration cannot successfully subjugate the news media. Accordingly, the Administration renews its effort to turn the people against their own newspapers. Another flaunted drama of censorship provides the instrument. On December 17 the Defense Department calls in the press to announce that the scheduled January 23 flight of the space shuttle *Discovery* will be treated as a military secret of the gravest kind. The public learns that Secretary of Defense Caspar Weinberger has personally asked the Associated Press, NBC News, and *Aviation Week & Space Technology* to suppress their stories about the shuttle mission in the interests of "national security"—and that the three organizations have dutifully complied. The public learns, too, that even "speculation" about the purpose of the flight is forbidden and will be punished by a full-out investigation of the offender—a truly extraordinary threat.

This sudden, officious announcement stuns the Washington press corps. There is simply no warrant for such elaborate secrecy. The military purpose of the shuttle flight has been publicly available information for months. To kill a news story merely because the government orders it would set a "dangerous precedent," warns John Chancellor on the *NBC Nightly News*. True enough, but the Administration evidently wants something more than that servile precedent. Its insolent warning against "speculation" is a goad to defiance, "an enticement for people to go after what the mission was about and then to publish what they found out," as former Defense Secretary James R. Schlesinger tells the press.

Taking up the gauntlet, the *Washington Post* refuses to keep secret what is not a secret and publishes a story about the shuttle flight based on information from available sources. Secretary Weinberger denounces the paper for daring to "violate requests" from the Pentagon. Disobedience to a government decree, he says, "can only give aid and comfort to the enemy." This is more than mere calumny; it is the precise wording of the constitutional definition of treason, and it suggests a motive for the shuttle affair. What the Administration has done is stage a little morality play before the eyes of the country, a corrupting drama in which the servility of the press appears in the bright garb of patriotism and the freedom of the press in the black hues of treason.

Some weeks later the Administration stages a second act of the vicious play when the *Times* publishes a secondhand story by Leslie Gelb against the wishes of the State Department. The department's Bureau of Politico-Military Affairs orders Gelb ostracized and ostentatiously denounces him for "willingly, willfully, and knowingly" publishing information "harmful and damaging to the country." That the information has been previously published is irrelevant, the department explains. "The Secretary of Defense and Secretary of State and National Security Adviser were against printing it," and this alone makes it treasonable conduct in the new tyrannized republic. As Floyd Abrams, the famed constitutional lawyer, observes, the Administration is "attacking the legitimacy of the press, not its performance."

Under the Administration's powerful assault the press grows timid. The

Morison case passes through various preliminary stages but the public hears almost nothing about it. Tyranny is not "news." That is the new rule of American journalism. The truth is, the press is too frightened to write about what frightens it. It cowers in dread of being called "too powerful." For the myth of media power, which the media never contested in their salad days, is now being used by the enemies of liberty to incite the people against a free press.

On January 4, without the slightest public notice, the White House issues an executive order that concentrates still greater legislative power in the hands of its budget office. Under Executive Order 12498 the White House gives itself the formal power not only to impose cost-benefit analysis but to review, control, approve, or suppress any agency activity "that may influence, anticipate, or could lead to the commencement of rule-making proceedings at a later date." Regardless of the laws they are supposed to implement, the executive agencies of government can now do virtually nothing the White House disapproves of. For the first time in American history a president has the formal power to turn acts of Congress into mere husks for secret White House legislation. Under the new executive order the president also has the unprecedented power to bar any executive agency from even studying anything the White House prefers to leave unstudied. No official information that might allow the American people to question the wisdom of a president may be collected without that president's permission—which will be given or withheld in secret. Under this new dispensation the old, decentralized executive branch stands on the verge of extinction. The traditional bulwark against presidential despotism has been reduced to silence and servility.

On March 12 a federal judge in Baltimore, deciding a motion in the Morison case, rules that the Espionage Act applies to unauthorized disclosures of classified information to the press. According to Judge Joseph H. Young, "the danger to the United States is just as great when this information is released to the press as when it is released to an agent of a foreign government." For decades it was plain to Congress and the courts that the vital secrets of 1917 bear little resemblance to the half-billion "classified" documents concealed by the modern security establishment. For decades it was evident to everybody that informing the American people is different from informing a foreign government, that the wish to enlighten the country is different from the intent to harm it. But this Administration believes that an enlightened citizenry is a menace to the state. Thanks to Judge Young's ruling, patriotic officials may no longer menace the great engine of Pentagon waste. Morison himself faces up to forty years in prison for putting three harmless photographs into a well-known magazine.

Imagine a faction that would throw honorable men into prison so that it could impoverish the public treasury with impunity and bend a sovereign people to its will, not just this year and the next, but long after it has fallen from power. Imagine a venerable republic, the hope of the world, where the habits of freedom are besieged, where self-government is assailed, where the vigilant are blinded, the well informed gagged, the press hounded, the courts weakened, the government exalted, the electorate degraded, the Constitution mocked, and laws reduced to a sham so that, in the fullness of time, corporate enterprise may regain the paltry commercial freedom to endanger the well-being of the populace. Imagine a base-hearted political establishment, "liberal" as well as "conservative," Democratic as well as Republican, watching with silent, protective approval this lunatic assault on popular government. Imagine a soft-spoken demagogue, faithful to nothing except his own faction, being given a free hand to turn Americans into the enemies of their own ancient liberties. Imagine this and it becomes apparent at last how a once-great republic can be despoiled in broad daylight before the unseeing eyes of its friends. ■

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