

**FREEDOM OF THE PRESS AND NATIONAL SECURITY IN FOUR WARS:
WORLD WAR I, WORLD WAR II, THE VIETNAM WAR, AND THE WAR ON
TERRORISM**

by
Daniel Joseph Smyth

Thesis submitted to the Faculty of the Graduate School
of the University of Maryland in partial fulfillment
of the requirements for the degree of
Master of Public Policy
2007

UMI Number: 1447222

Copyright 2008 by
Smyth, Daniel Joseph

All rights reserved.

UMI[®]

UMI Microform 1447222

Copyright 2008 by ProQuest Information and Learning Company.
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

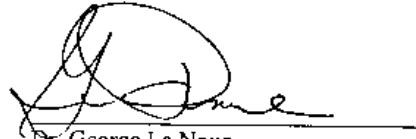
ProQuest Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346

APPROVAL SHEET

Title of Thesis: Freedom of the Press and National Security in Four Wars: World War I, World War II, the Vietnam War, and the War on Terrorism

Name of Candidate: Daniel Smyth
Master of Public Policy, 2007

Thesis and Abstract Approved:



Dr. George La Noue
Professor of Political Science
Department of Public Policy

Date Approved:

8/1/07

CURRICULUM VITAE

Name: Daniel Joseph Smyth.

Permanent Address: 550 Klee Mill Road, Sykesville, Maryland 21784.

Degree and date to be conferred: Master's, 2007.

Date of birth: November 1, 1983.

Place of Birth: Baltimore, Maryland.

Secondary education: Mount Saint Joseph
Baltimore, Maryland
June 2001

Collegiate institutions attended: University of Maryland, Baltimore County
Baltimore, Maryland
Bachelor of Arts, 2005
Major: Political Science
Minor: Writing

University of Maryland, Baltimore County
Baltimore, Maryland
Master of Public Policy, 2007

Professional positions held: Grants Administrator
Graduate Student Association
University of Maryland, Baltimore County
Baltimore, Maryland

Vice-President
The Aranmolate Foundation (non-profit organization)
Baltimore, Maryland and Nashville, Tennessee

Intern
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
Annapolis, Maryland

Head Intern
Choice Tutoring Program
The Shriver Center
Baltimore, Maryland

ABSTRACT

Title of Thesis: Freedom of the Press and National Security in Four Wars: World War I, World War II, the Vietnam War, and the War on Terrorism

Daniel Joseph Smyth, Master of Public Policy, 2007

Thesis directed by: Dr. George La Noue
Professor of Political Science
Department of Public Policy

This thesis evaluates the freedom of the U.S. press in World War I, World War II, the Vietnam War, and the first years of the War on Terrorism and examines how the press, in these wars, balanced its duty to report the news with protecting national security.

This thesis conducted a qualitative synthesis of primary and secondary sources dealing with the U.S. press in wartime. Most primary documents were from the National Archives in College Park, Maryland, or the U.S. Army Center of Military History.

The government and military controlled the press in the wars by, among other ways, conducting censorship, passing laws against sedition, and blocking press access to cover war operations. Nevertheless, in each subsequent war the press generally became freer from governmental and military control. In each war, most members of the press agreed to rules of voluntary censorship to protect security. Still, there were multiple times when members of the press reported information that could have been dangerous. The rules varied throughout the years but primarily protected members of the military because they have been in direct danger (e.g. a rule banned mentioning troop movements). However, in World War I and World War II some rules protected U.S. civilians because of the threat of attacks by enemies on the homeland (e.g. a rule banned mentioning the location of bomb shelters). In the War on Terrorism, no rules have

protected civilians, but the government should devise such rules because terrorists pose a direct danger to civilians.

DEDICATION

I dedicate this thesis to my parents, siblings, and Grandma.

ACKNOWLEDGEMENTS

First and foremost, I thank God for blessing me with an education. I especially thank Dr. George La Noue, my adviser, who encouraged me from the beginning, helped me structure my research questions, and gave me invaluable advice during my writing. He really helped me develop my analysis and conclusions. Dr. La Noue offered me assistance any day of the week, whether by communicating through e-mails or by holding office meetings. I could not have had a better adviser. This thesis began as a term paper for a class that I took with Dr. La Noue called First Amendment Freedoms, which I thoroughly enjoyed.

I am grateful to the other members of my committee, including Dr. John Jeffries and Dr. Clayton Laurie. Both of them guided me in my research and were extremely helpful with my revisions. Dr. Jeffries kept me thinking of the forest, not just the trees. Dr. Laurie gave me several pages of insightful comments and recommendations. The day of my defense is a great memory of mine because my committee members gave me an incredible amount of support and encouragement.

Also, I thank Dr. William Hammond of the U.S. Army Center of Military History for giving me much insight into the press in wartime and access to his Access database of information on war correspondents in Vietnam. I give many thanks to Ms. Sally Helms of the Department of Public Policy for her gracious help and reading recommendations.

I send a very special thanks to my Mom and Dad for their constant assistance, especially with revisions on my introduction and literature review. Their doors were always open for a visit home, even though sometimes my parents assigned me chores (just kidding!). I thank my sisters Erin and Corinne and their spouses for their hospitality

and invitations to visit out of state. Soon, I will take them up on their invitations. I am grateful to my brother Mike and his wife Poom, both of whom, on many evenings, invited me for delicious dinner and games of *Madden* football (although I lost most of those games). I kindly thank my sister Maura, who is a graduate student in English, for her invaluable advice on writing and doing research (good luck on your dissertation!). And I send much appreciation to my Grandma, who uplifted me with our conversations and walks.

TABLE OF CONTENTS

Section	Page
DEDICATION.....	ii
ACKNOWLEDGEMENTS.....	iii
I. INTRODUCTION.....	1
II. LITERATURE REVIEW.....	5
A. Decisions of the Supreme Court.....	6
B. Reviews of the Power of the Government to Impose Prior Restraints or Criminal Sanctions After Publication.....	9
C. Reviews of the Power of the Government and Military to Restrict Press Access to Cover War Operations.....	16
D. Government Documents.....	20
III. RESEARCH QUESTIONS.....	27
IV. METHODOLOGY.....	28
V. WORLD WAR I.....	29
A. Information that the Government, Military, and Press Agreed Could Violate National Security.....	37
B. Other Information that the Government Wanted Secret.....	43
C. When the Government or Military Got Upset with Members of the Press.....	44
VI. WORLD WAR II.....	52
A. Information that the Government, Military, and Press Agreed Could Violate National Security.....	62
B. Other Information that the Government Wanted Secret.....	69
C. When the Government or Military Got Upset with Members of the Press.....	73

VII. VIETNAM WAR.....	85
A. Information that the Military and Press Agreed Could Violate National Security.....	94
B. Other Information that the Military Wanted Secret.....	96
C. When the Military or Government Got Upset with Members of the Press	98
VIII. WAR ON TERRORISM.....	106
A. Information that the Military and Press Agreed Could Violate National Security.....	109
B. When the Government or Military Got Upset with Members of the Press	111
IX. CONCLUSION.....	120
APPENDIX 1. TYPES OF INFORMATION IN WARTIME THAT COULD VIOLATE NATIONAL SECURITY.....	129
BIBLIOGRAPHY.....	133

I. Introduction

In wartime, there are many things that the United States press could report that might threaten national security. In *The New York Times Co. v. United States* (1971), the Supreme Court identified a few, including, among others, troop movements, the location of factories, and information about intelligence activities.¹ Justice Harry Blackmun said that revelation of such information could cause “the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiations with our enemies, the inability of our diplomats to negotiate,...[the] prolongation of the war, and further delay in the freeing of U.S. prisoners.”²

Though Justice Blackmun perhaps overlooked other effects, such as the endangerment of civilian lives and aiding the enemy, many of these threats are present in the War on Terrorism. President George W. Bush and other government officials believe that the press reports some information that threatens national security. For example, some U.S. officials criticized the decision of the *New York Times* to report the secret monitoring by the government of international communications between suspected terrorists and persons in the United States as undermining the war.³ Similar criticism also occurred when the *New York Times*, *Washington Post*, and *Wall Street Journal* disclosed the government’s secret tracking of the banking transactions of al Qaeda members and persons in the United States suspected of having terrorist ties.⁴

¹ *New York Times Co. v. United States*, 403 U.S. 713 (1971), 734-736.

² *Ibid.*, 763.

³ James Risen and Eric Lichtblau, “Bush Lets U.S. Spy on Callers Without Courts,” *New York Times*, 16 December 2005; President, Radio Address, “The President’s Radio Address: December 17, 2005,” *Weekly Compilation of Presidential Documents* 41, no. 51 (December 26, 2005): 1881.

⁴ Sheryl Gay Stolberg, “Bush Condemns Report on Sifting of Bank Records,” *New York Times*, 27 June 2006.

The rationale of the press in reporting such stories is that citizens have a right to know about governmental programs that may affect civil liberties,⁵ even though the Supreme Court never held this to be a constitutional right.⁶ Knowledge about such governmental programs allows citizens to make informed decisions at the ballot box and to express policy preferences to officials.⁷ Also, such stories encourage officials to make good decisions, and possibly prevent or even expose abuses of the government.⁸ The Supreme Court has held that the freedom of the press means, first and foremost, the right of the press to unfettered reporting on and criticism of the government.⁹ The Bush administration and other past administrations, however, have wanted the press to avoid disclosing information that could violate national security¹⁰ (although surely the administrations have also, depending on the story, wanted to avoid criticism, embarrassment, or scandal).

Despite these competing interests of the press and the government, some members of the press have communicated and negotiated with officials over stories sensitive to national security.¹¹ Throughout American history, members of the press have withheld information when convinced that release would damage security, as this thesis describes

⁵ Bill Keller, "Letter from Bill Keller on the Times's Banking Records Report," *New York Times*, 25 June 2006.

⁶ *Houchins v. KQED, Inc.*, 438 U.S. 1 (1978), 15-16; Frederick Schauer, "Dilemma of Access," in *Terrorism, War, and the Press*, ed. Nancy Palmer (Cambridge, MA: Joan Shorenstein Center on the Press, Politics, and Public Policy, 2003), 260-261.

⁷ Michael S. Sweeney, *The Military and the Press: An Uneasy Truce* (Evanston: Northwestern University Press, 2006), 5.

⁸ Keller, *op. cit.*

⁹ *New York Times Co. v. United States*, 403 U.S. 713 (1971), 716-17.

¹⁰ Stolberg, "Bush Condemns Report," *op. cit.*

¹¹ Jack Nelson, "U.S. Government Secrecy and the Current Crackdown on Leaks," in *Terrorism, War, and the Press*, ed. Nancy Palmer (Cambridge, MA: Joan Shorenstein Center on the Press, Politics, and Public Policy, 2003), 286-293.

later. Even in the current contentious environment, Bill Keller, the Executive Editor of the *New York Times*, said he participated in several such decisions.¹²

America's terrorist enemies are very elusive. They wear no uniform, have no flags on vehicles, and lack central command. Also, they seek to inflict large-scale destruction on America and use an increasing level of technological sophistication to achieve this end.¹³ As Steven Aftergood, director of the Project on Government Secrecy at the Federation of American Scientists, said, "9/11 made it clear that there are people out there looking for creative ways to kill Americans."¹⁴ Thus, the dissemination by the press of information that potentially threatens national security is of extreme importance to the lives of U.S. civilians.

This thesis examines how the press has balanced its duty to report the news with protecting national security during the major American wars of the 20th century and the first years of the 21st century. These wars include World War I, World War II, the Vietnam War, and the War on Terrorism. In this thesis, the "press" encompasses all of the companies and persons that provide news and information to the public, whether through newspapers, magazines, journals, books, television, radio, or online media (e.g. online newspapers and blogs).¹⁵ This thesis focuses mainly on newspapers, magazines, journals, radio, and television. Newspapers, magazines, and journals have been major sources of information in all the wars, radio was prominent in World War II and

¹² Keller, *op. cit.*

¹³ United States Department of State, *Country Report on Terrorism: 2005*, U.S. Department of State Publication, 2006, 11, available at <http://www.state.gov/documents/organization/65462.pdf> (as of 20 June 2007).

¹⁴ Nelson, "U.S. Government Secrecy and the Current Crackdown on Leaks," *op. cit.*, 291.

¹⁵ The Missouri Group, *News Reporting and Writing* (Boston, MA: Bedford/St. Martin's, 2005), 19-47.

Vietnam, and television led news coverage during Vietnam and so far in the War on Terrorism.

II. Literature Review

There is considerable literature that discusses the relationship between the government and the press in wartime over issues of national security. First, there are decisions of the Supreme Court on restricting the power of the government to impose prior restraints (i.e. block publication or censor) on the press. Second, there are reviews of the power of the government to impose prior restraints or criminal sanctions after publication. Third, there are reviews of the extent of the power of the government and military to restrict the access of the press to cover war operations. And finally, there are government documents that discuss a range of topics, including restrictions on press access to cover war operations, the dangers of scientific publications in an age of terrorism, and laws that penalize disclosures of national security information.

A. Decisions of the Supreme Court

The First Amendment of the Constitution reads, “Congress shall make no law...abridging...the freedom of...the press.” The Supreme Court decided two especially important cases dealing with the freedom of the press in wartime, *Near v. Minnesota* (1931) and *The New York Times Co. v. United States* (1971). In *Near*, the Court was deciding if the censorship of newspaper articles that were “malicious, scandalous, and defamatory” was constitutional.¹⁶ In holding that it was not, the court, however, carved out a national security exception to the First Amendment’s ban on prior restraints.¹⁷ Chief Justice Charles Hughes wrote,

When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right. No one would question but that a government might prevent actual obstruction to its recruiting service or to the publication of the sailing dates of transports or the number and location of troops.¹⁸

This national security exception, although appropriate for warfare of the early 20th Century, has become quite limited with the advent of nuclear weapons and terrorism.¹⁹ For instance, the publication of the sailing dates of transports seems less important than, say, publishing information on how to construct a nuclear bomb or how to evade security measures at airports. Nevertheless, it remains the precedent of the Court.²⁰

¹⁶ *Near v. Minnesota*, 283 U.S. 677 (1931): 712.

¹⁷ The Court also held that the government could impose prior restraints on the press if publications contain obscenity or incitements to violence or the overthrow of the government.

¹⁸ *Near v. Minnesota*, *op. cit.*, 716.

¹⁹ Roger W. Pinus, “Press Access to Military Operations: Grenada and the Need for a New Analytic Framework,” *University of Pennsylvania Law Review* 135, no. 3 (Mar., 1987): 816.

²⁰ In a case called *Schenck v. United States* (1919), Chief Justice Oliver Holmes held that that the government can restrict the freedom of *speech* when “...the words used are used in such circumstances and are of such a nature as to create a *clear and present danger* [emphasis added] that they will bring about the substantive evils that Congress has a right to prevent.” Legal scholars refer to this line as the “clear and present danger” doctrine. Chief Justice Holmes and Justice Louis Brandeis slightly modified this doctrine in later court decisions, including *Abrams v. United States* (1919), *Gitlow v. New York* (1925), and *Whitney v. California* (1927). For instance, in *Abrams* Chief Justice Holmes said that the government can restrict

In *New York Times Co.*, the government tried to block the publication of articles about a classified document called “History of U.S. Decision-Making Process on Vietnam Policy” (a.k.a. Pentagon Papers). The *New York Times* and *Washington Post* had published articles on the document that revealed, among other things, decisions by U.S. officials to secretly escalate the Vietnam War, and how President Lyndon B. Johnson misled the country about trying to end it.²¹

At first, the government alleged that the articles by the *Times* and *Post* violated the Espionage Act of 1917, which prohibits the disclosure of government secrets dealing with national security, and that the articles hurt security.²² However, by the time the government’s cases against the newspapers reached the Supreme Court the government acknowledged that the articles did no damage. Nevertheless, the government maintained, there was other information in the Pentagon Papers that, if publicized, would do so. The government, therefore, asked the Court to block the *Times*, *Post*, and other members of the press from ever publishing the dangerous information, which this thesis describes

speech if it posed as “a clear and imminent danger.” In *Near v. Minnesota*, however, the Supreme Court stopped short of applying any “clear and present danger” tests to the freedom of the press. *Near* pretty much just gave examples of when the Constitution might allow the government to impose a prior restraint in the interest of national security. Nevertheless, according to legal scholar Geoffrey Stone, “It would be reasonable to suggest that the examples Chief Justice Hughes offered [in *Near*] were meant to satisfy something akin to [emphasis added] the ‘clear and present danger’ test as Holmes and Brandeis defined it in *Abrams, Gitlow, and Whitney*” (Geoffrey Stone, e-mail correspondence with author, 30 May 2007). See *Schenck v. United States*, 249 U.S. 47 (1919): 52; *Gitlow v. New York*, 268 U.S. 652 (1925): 672-73; *Whitney v. California*, 274 U.S. 357 (1927): 373-74, 376; Chester James Antieau, “The Rule of Clear and Present Danger: Scope of Its Applicability,” *Michigan Law Review* 48, no.6 (Apr., 1950): 838.

²¹ George McGovern and John P. Roche, “The Pentagon Papers—A Discussion,” *Political Science Quarterly* 87 (June, 1972): 175-76. See Neil Sheehan, “Vietnam Archive: Pentagon Study Traces 3 Decades of Growing U.S. Involvement,” *New York Times*, 13 June 1971; Neil Sheehan, “Vietnam Archive: A Consensus to Bomb Developed Before ’64 Election, Study Says,” *New York Times*, 14 June 1971; Neil Sheehan, “Vietnam Archive: Study Tells How Johnson Secretly Opened Way to Ground Combat,” *New York Times*, 15 June 1971; Chalmers M. Roberts, “Documents Reveal U.S. Effort in ’54 to Delay Viet Election,” *Washington Post*, 18 June 1971.

²² David Rudenstine, *The Day the Presses Stopped: A History of the Pentagon Papers Case* (Berkeley, CA: University of California Press, 1996), 105; Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime* (New York: W.W. Norton & Company, Inc., 2004), 504.

later.²³ In addition, the government requested that the Court block any and all articles on the document until government officials thoroughly reviewed it for information that should stay secret.²⁴ A majority of the Court, however, did not believe that any of the information in the Pentagon Papers could damage security and ruled against the government.²⁵

The justices, nevertheless, were deeply divided on how to resolve prior restraint cases dealing with national security. The majority agreed that “Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.”²⁶ Justices Hugo Black and William Douglas believed that absolutely no governmental interest in national security could warrant the imposition of prior restraints.²⁷ Justice William Brennan argued that the government can impose prior restraints only if information “inevitably, directly, and immediately” causes damage.²⁸ And Justice Thurgood Marshall said it is up to Congress to determine what information the press cannot report,²⁹ while Justice John Harlan maintained the Executive Branch largely has this responsibility.³⁰ These opinions raised more questions than they answered.

In *Near* and *New York Times*, the Court offered no consensus regarding what types of information and stories constitute threats to national security. Justices only

²³ John Cary Sims, “Triangulating the Boundaries of Pentagon Papers,” *William and Mary Bill of Rights Journal* 2 (Winter, 1993): 406.

²⁴ *Ibid.*, 378.

²⁵ *New York Times Co. v. United States*, *op. cit.*, 714. The Supreme Court decided the cases against the *New York Times* as well as the *Washington Post* in *New York Times Co. v. United States* (i.e. there was not a separate opinion for the *Post* case).

²⁶ *New York Times Co. v. United States*, *op. cit.*, 714.

²⁷ *Ibid.*, 717, 720.

²⁸ *Ibid.*, 727.

²⁹ *Ibid.*, 741-742.

³⁰ *Ibid.*, 756-57.

identified several examples. As mentioned earlier, these include troop movements, the location of factories, information about intelligence activities, obstructions to recruiting service, and the sailing dates of transports. Other threats that they identified include details of the U.S. cryptography systems and photographs or drawings of military installations.³¹ Nevertheless, a better understanding of potential threats to security lies in the history of the relationship between the press and the government and military in wartime.

B. Reviews of the Power of the Government to Impose Prior Restraints or Criminal Sanctions after Publication

Over the years, legal scholars have significantly differed in their view of the freedom of the press in wartime regarding the imposition of prior restraints and criminal sanctions on the press after publication. Writings by Edward S. Corwin, the leading scholar of the 20th century on civil liberties, during and after World War I suggested that Congress possesses the power to impose prior restraints and criminal sanctions. In the *War Cyclopedia: A Handbook for Ready Reference on the Great War* (1918),³² Corwin announced that Congress derives this power from the grants of power in the Constitution to declare war and to pass any laws “necessary and proper” to carry it out. Therefore, Corwin argued, Congress would only be subjecting the press to constitutionally granted

³¹ Ibid., 735.

³² Although the entry about freedom of the press in the *War Cyclopedia* has no author attributed to it, scholar Steven Vaughn identified Edward S. Corwin as the writer. See Stephen Vaughn, *Holding Fast the Inner Lines: Democracy, Nationalism, and the Committee on Public Information* (Chapel Hill, NC: The University of North Carolina Press, 1980), 229.

powers. Corwin briefly added that Congress can criminalize the publication of seditious writings because these obstruct the war effort, help the enemy, and amount to treason.³³

In “The Freedom of Speech and Press Under the First Amendment: A Resume” (1920), Corwin expanded on his argument that Congress can ban seditious publications. He analyzed the history of the First Amendment and conceded there is no solid answer on whether the government can ban seditious publications.³⁴ For instance, at the time Congress ratified the First Amendment some state constitutions said freedom of the press was inviolate, while other states allowed prosecutions of seditious libel.³⁵ Also, Congress repealed the Sedition Act of 1798, which had banned seditious publications.³⁶ However, it was constitutional when Corwin wrote his article in 1920 to ban a publication that had the tendency to bring about something evil,³⁷ and this could include seditious publications that incite people to hurt the war effort. But, Corwin said, although this area of the law regarding sedition is undefined, “the elbow-room accorded Congress by the necessary and proper clause” is enough to allow Congress to outlaw sedition.³⁸ Corwin’s arguments are interesting, and they were used by the government to justify certain laws during World War I. However, judges and legal scholars now tend to place a greater emphasis on freedom of the press.

In his article entitled “Freedom of Speech in Wartime” (1919), Zechariah Chafee, Jr. discussed the limits of government intrusions on the freedoms of speech and press during war. Chafee wrote this article around the same time that Corwin argued for major

³³ Edward S. Corwin et al, *War Cyclopaedia: A Handbook for Ready Reference on the Great War* (Washington, D.C.: Government Printing Office, 1919), 101.

³⁴ Edward S. Corwin, “Freedom of Speech and Press Under the First Amendment: A Resume,” *Yale Law Journal* 30, no. 1 (1920): 55.

³⁵ Corwin, “Freedom of Speech and Press Under the First Amendment,” *op. cit.*, 49.

³⁶ *Ibid.*, 50.

³⁷ *Ibid.*, 51.

³⁸ *Ibid.*, 55.

governmental intrusions into these areas and tried to formulate a rational principle for deciding when the government can obstruct speech or the press.³⁹

Chafee rejected several ideas that legal scholars widely accepted when he published his article. First, Chafee rejected the assertion that the government can disregard the Bill of Rights in wartime, that the survival of the country takes precedence.⁴⁰ Every part of the Constitution is equal, Chafee argued, including the power to declare war and freedom of the press.⁴¹ Second, Chafee rejected claims that the Bill of Rights is absolute and that the Constitution forbids the government from infringing on any type of speech or publication. The Supreme Court has conceded that there are exceptions.⁴² Third, Chafee dismissed William Blackstone's simple conception of freedom of the press as existing when members of the press have no prior restraints on their writing. Chafee said, for instance, that if this were true then the government could penalize an author for his or her writing after publication (e.g. "a death penalty for writing about socialism"), and this would have just as much a chilling effect on freedom of the press as prior restraints.⁴³

Fourth, Chafee disregarded the contention that all speech and writing should be free of prior restraints except abusive language. This would be an amorphous constitutional rule, Chafee asserted, and Congress would have discretion to determine what language is abusive, leaving the press without any real freedom.⁴⁴ Last, Chafee rejected the idea that the government can infringe on speech and the press when persons

³⁹ Zechariah Chafee, Jr., "Freedom of Speech in Wartime," *Harvard Law Review* 32, no. 8 (June, 1919): 935.

⁴⁰ *Ibid.*, 937.

⁴¹ *Ibid.*, 955.

⁴² *Ibid.*, 937.

⁴³ *Ibid.*, 938-40.

⁴⁴ *Ibid.*, 941-44.

say or print something that tends to bring about something evil (e.g. the loss of public support for war). Chafee said this rule gives the government almost limitless ground to censor, and the government could use the rule to prevent constructive criticism of officials.⁴⁵

Ultimately, Chafee decided that the best principle for drawing a line is “In wartime...speech [and the press] should be unrestricted by the censorship or by punishment, unless it is clearly liable to cause direct and dangerous interference with the conduct of the war.”⁴⁶ According to Chafee, this principle gives a fair balance to the First Amendment and the power of the government to conduct war. As stated above, Chafee believed that as a constitutional matter the First Amendment and the power of war are equally important and that they therefore both limit each other when they come in conflict. This is different from Corwin’s view of freedom of the press. Chafee, however, made the more convincing argument and thoroughly discussed and rebutted opposing views. His principle for drawing a line, though with slightly different wording, has been the basis for Supreme Court decisions for much of the past century.

In a more recent evaluation of these issues, Jeffrey A. Smith, in *War and Press Freedom: The Problem of Prerogative Power* (1999), argued that throughout American history officials in the military, executive branch, and Congress have unreasonably restricted the freedom of the press in the name of national security.⁴⁷ Smith offered many examples. For instance, General Andrew Jackson imposed martial law on the citizens of New Orleans after defeating the British in battle, and arrested a journalist for criticizing

⁴⁵ Ibid., 949.

⁴⁶ Ibid., 960.

⁴⁷ Jeffrey A. Smith, *War and Press Freedom: The Problem of Prerogative Power* (New York, NY: Oxford University Press, 1999), vii.

the loss of civil liberties.⁴⁸ Also, during the Civil War military officers prevented reporters from simply describing the Union loss at the Battle of Bull Run⁴⁹ and even court-martialed a soldier for publishing his letter in a newspaper calling Union General George Meade an “unpopular non-entity” and “military charlatan.”⁵⁰ Additionally, President Franklin D. Roosevelt oversaw the stifling of articles that discussed racial conflict between U.S. soldiers in World War II.⁵¹

Smith concluded that such uses of power are unconstitutional, irrational, and shortsighted.⁵² He took an absolutist view of the First Amendment, asserting that the government can never block publication, censor, or impose criminal sanctions on journalists for reporting information that the government believes could violate security.⁵³ This is a significant distinction from Corwin’s argument, which maintained that war power supersedes the freedom of the press, as well as Chafee’s contention that these constitutional grants of power are equal. The Constitution, Smith said, gives the press control over what information gets disseminated.⁵⁴

Smith’s writing is well-researched and offers much insight into government and press relations in wartime. However, Smith was too dismissive of notions of national security. Most of his book is devoted to instances when the government or military may have been wrong in dealing with the press, only saying at the end that “In theory press freedom can cost lives...”⁵⁵ and “...the press needs to respect...the necessity of

⁴⁸ Ibid., 92.

⁴⁹ Ibid., 99-100.

⁵⁰ Ibid., 106.

⁵¹ Ibid., 157.

⁵² Ibid., vii, 222.

⁵³ Ibid., 4, 72.

⁵⁴ Ibid., 227.

⁵⁵ Ibid., 227.

minimizing harm.”⁵⁶ But Smith offered no historical examples of when the press may have hurt security, making his argument unbalanced.

Geoffrey R. Stone, in “The Lessons of History” (2006), discussed the power of the government to penalize the press after the publication or broadcast of government secrets. Stone said that the government has never done this before, but conceded that the First Amendment is not absolute. Stone noted that it is constitutional to ban libel, obscenity, and false advertising because they are “no essential part of any exposition of ideas.”

To determine if the same logic applies to the public disclosure of government secrets, Stone first said there are three main types of secrets.⁵⁷ There are “illegitimate” secrets, which are things that the government conceals as part of a cover-up (e.g. paperwork for the illegal purchase of land). The public has every right to know these secrets. Also, there are “legitimate but newsworthy” secrets, meaning things that could damage national security but nevertheless contribute to public knowledge. Stone said an example would be a report on how the nation’s nuclear facilities have poor security. Lastly, there are “legitimate and non-newsworthy” secrets. These secrets are damaging to security while having little or no value to public knowledge. Stone mentioned that an example of this type could be revelation that the government has broken the enemy’s code of communication.⁵⁸

Stone concluded that it would be constitutional for the government to penalize revelation of only “legitimate but newsworthy” and “legitimate and non-newsworthy”

⁵⁶ Ibid., 228.

⁵⁷ Geoffrey R. Stone, “The Lessons of History,” *National Security Law Report* 28, no. 3 (Sept., 2006): 1-4.

⁵⁸ Stone, “The Lessons of History,” *op. cit.*, 2.

secrets.⁵⁹ It is very difficult, he said, to balance interests of national security with the importance of informing the public, and hard and fast rules of law would provide the press with needed guidance.⁶⁰ However, Stone warned, “[such rules] will inevitably protect either too much or too little expression; they will inevitably protect either too much or too little secrecy.”⁶¹

Stone contended that the press has never disclosed a government secret that *gravely* damaged national security, so any penalty would be unnecessary.⁶² However, he neglected to discuss if the press ever disclosed secrets that did damage to national security that was less than grave (e.g. substantial or significant damage to security). Stone concluded that the lessons of history suggest that the press is “simply best left alone.”⁶³ Although Stone gave a thorough examination of secrecy and freedom of the press, he overlooked the fact that the press could receive reasonable guidance by examining how the press balanced its duty to report the news with protecting national security in past wars.

Throughout U.S. history, then, there have been several views on the freedom of the press from prior restraints and criminal sanctions during war. In the early 20th century, legal scholars said the press was subject to congressional limitations or could be restricted if a publication posed as a “direct and dangerous interference in the conduct of the war.” But in more recent years, some legal scholars have embraced an absolutist view of freedom of the press, saying that no prior restraints are constitutional and that it is unnecessary for the government to penalize the publication of military secrets.

⁵⁹ Ibid., 2-3.

⁶⁰ Ibid., 2.

⁶¹ Ibid., 3.

⁶² Ibid.

⁶³ Ibid., 4.

Nevertheless, the Supreme Court has refrained from adopting this view, allowing restrictions on the dissemination of information that directly endangers the nation.

C. Reviews of the Power of the Government and Military to Restrict Press Access to Cover War Operations

Aside from prior restraints and criminal sanctions, the government and military could conceivably violate the freedom of the press by physically restricting press access to cover military operations. Legal scholars take opposing views on this contention. Paul G. Cassell, in “Restrictions on Press Coverage of Military Operations: The Right of Access, Grenada, and Off-the-Record Wars” (1985), argued that the government and military have the power to restrict press access. In 1983, President Ronald Reagan and military leaders prevented the press from covering the invasion of Grenada, which the United States launched to overthrow a newly formed communist regime. They said that they blocked journalists because of the need for secrecy and surprise to ensure national security.⁶⁴ Cassell used this event as the basis of his discussion.

Cassell rejected the idea that the Supreme Court should consider blocking press access as a prior restraint on the press, which other legal scholars supported at the time he wrote his article. Cassell said that the traditional understanding of a prior restraint is something that stops members of the press from publishing information that they have already collected, and blocking access just prevents them from collecting information.⁶⁵

⁶⁴ Paul G. Cassell, “Restrictions on Press Coverage of Military Operations: The Right of Access, Grenada, and ‘Off-the-Record Wars,’” *Georgetown Law Journal* 73 (Feb., 1985): 931.

⁶⁵ Cassell, “Restrictions on Press Coverage of Military Operations,” *op. cit.*, 949-50.

Also, Cassell noted, the Supreme Court has held that nothing in the Constitution requires the government to grant the press access to information that the public cannot get.⁶⁶

Cassell reviewed the history of American wars and concluded that there has been a precedent of the government and military in blocking members of the press from the battlefield. For instance, in the Civil War Union General William Sherman blocked all correspondents from the frontlines in Kentucky after the press published details of his strategic plans.⁶⁷ In addition, during the Korean War General Douglas MacArthur often banished individual correspondents who reported unfavorably on events.⁶⁸ And in Vietnam, the press could not cover the rescue of U.S. soldiers in the Son Tay POW camp or the bombings of Laos and Cambodia.⁶⁹

Cassell went on to suggest that the press does not even add much value to public knowledge regarding war operations. He said, “War correspondents typically are not in a position to see important developments...,”⁷⁰ though he added they are good at describing what happens in front of them and “[discover] instances of misconduct (or heroism) that would otherwise have been concealed or gone unnoticed.”⁷¹ He conceded that the public has a right to know about troop deployments and military action, but said Congress and other institutions serve as better sources to inform the public of the big picture and important details.⁷² Cassell concluded that the First Amendment does not compel the government or military to allow journalists on the battlefield and that they can

⁶⁶ Ibid., 950.

⁶⁷ Ibid., 935.

⁶⁸ Ibid., 941.

⁶⁹ Ibid., 942.

⁷⁰ Ibid., 964.

⁷¹ Ibid., 968.

⁷² Ibid., 961, 968.

do this for reasons other than compelling interests such as national security.⁷³ Ultimately, Cassell's argument is convincing, but he undervalued the importance of war correspondents.

In "Press Access to Military Operations: Grenada and the Need for a New Analytic Framework" (1987), Roger W. Pincus provided a somewhat different view from Cassell. Pincus also used the invasion of Grenada to discuss the power of the government and military to block press access. Pincus maintained that the Supreme Court should consider the blocking of access to be a prior restraint. He conceded that the Supreme Court has avoided making this pronouncement and that it has only considered prior restraints to be either the blocking of publication or censorship. But he went on to say that the effect of prior restraints is the same as the effect of blocking press access to war operations: the public fails to get informed. In both cases, then, the government does equal harm to the First Amendment.⁷⁴

Pincus also cited *Near v. Minnesota*. He stated that the "transport at sea" exception to prior restraint "...does not capture the range and complexity of concerns encompassed by contemporary conceptions of national security."⁷⁵ Pincus recommended that the Supreme Court should instead allow the government to block press access only when it has a compelling interest to do so and there is no less restrictive option or when blocking is done in a reasonable "time, place, and manner." This, he said, gives the government more flexibility than *Near* in dealing with potential threats.⁷⁶

⁷³ Ibid., 960.

⁷⁴ Roger W. Pincus, "Press Access to Military Operations: Grenada and the Need for a New Analytic Framework," *University of Pennsylvania Law Review* 135, no. 3 (Mar., 1987): 815.

⁷⁵ Ibid., 818, 825.

⁷⁶ Ibid., 833.

National security, of course, is a compelling interest.⁷⁷ The government, however, must prove that it could not have used the alternatives of censoring or delaying the dispatches of reporters or banning any communications sent out from the war zone.⁷⁸ Pincus concluded that the blocking of the press in Grenada was constitutional because it was a covert operation, press leaks would have damaged security, and any monitoring of the press would have been too cumbersome.⁷⁹ Pincus offered a balanced and reasonable argument, which continues to have relevance today as conflicts occur between the press and the government and military.

C. Robert Zelnick, in “The Press and National Security: Military Secrets and First Amendment Values” (1997), analyzed past American war operations. He focused on occasions when the press could have endangered security and how the government and military have obstructed members of the press in reporting. Zelnick made a few conclusions. First, he said that in U.S. history the press has *seriously* risked national security only “a handful of instances.”⁸⁰ As the worst offenses, he listed a *Chicago Tribune* article in World War II that indicated the United States had broken Japan’s code of communication and a *Baltimore Sun* article that revealed details of a planned operation in Vietnam.⁸¹ Second, Zelnick suggested that the government and military usually chose to control the press by blocking its access to cover war operations.⁸² For example, in the invasion of Panama the government did not alert the press of military plans until a few

⁷⁷ Ibid., 842-43.

⁷⁸ Ibid., 846-47.

⁷⁹ Ibid., 843-47.

⁸⁰ C. Robert Zelnick, “The Press and National Security: Military Secrets and First Amendment Values,” *Journal of National Security Law* 1 (Dec., 1997): 22.

⁸¹ Ibid., 23.

⁸² Ibid., 44.

hours before fighting began, and then delayed reporters with background checks.⁸³ Another example occurred during the Persian Gulf War when the military blocked reporters from covering the only offensive operation by Iraq.⁸⁴ Zelnick commented that the military usually takes such actions to control press opinions about military action, not to prevent disclosures of information important to national security.⁸⁵ Last, Zelnick suggested that such blocking of press access violates the First Amendment, and that the government and military lack any power to do so.⁸⁶ This differs from Cassell's argument, which said the government and military do have the power. Also, in contrast to Pincus, Zelnick made no exception for restrictions on access done in a reasonable "time, place, and manner."

Zelnick's article is useful because it documents times in history when the government and military have controlled the press in wartime. However, his review of history of times when the press seriously risked national security, which lasts no more than one and a half pages, is inadequate. He overlooked several other instances, especially during World War I, World War II, and the Vietnam War. Also, Zelnick only looked at times when the press could have "seriously" hurt security, when the press can do harm that is less than serious but still significant.

D. Government Documents

In recent years, there have been a few government documents on the freedom of the press and national security in wartime. As mentioned, these documents discuss

⁸³ Ibid., 34.

⁸⁴ Ibid., 38.

⁸⁵ Ibid., 44.

⁸⁶ Ibid., 32, 44.

restrictions on press access to cover war, the dangers of scientific publications in an age of terrorism, and laws that penalize disclosures of national security information. Henry Cohen, in a report for Congress called “Press Restrictions in the Persian Gulf War: First Amendment Implications” (1991), described the efforts of the government and military to restrict press access during the First Gulf War. The military only allowed journalists from major newspapers and television stations, such as the *New York Times*, the *Washington Post*, and *CNN*, to cover the war.⁸⁷ The journalists had to travel together in small groups called “pools,” which were attached to military units. The military never allowed these pools to roam freely in Iraq, subjecting every press report to a “security review” to filter out military information.⁸⁸

The government issued members of the press “Ground Rules” on the types of information they could not report. Some types of information included the details of military strength (e.g. the number of tanks, radars, and missiles), planned military operations, locations of troops, specific rules of engagement, tactics of war (e.g. air angles of attack), vulnerabilities of U.S. forces (how U.S. troops were damaged in battle or could be exploited), and the details of intelligence collection activities, including targets, methods, and results.⁸⁹ The military would banish reporters from the war zone and even detain them if they wandered from their pool or violated the “Ground Rules.”⁹⁰

Cohen also analyzed a federal court lawsuit called *The Nation Magazine v. United States Department of Defense* (1991), which some members of the press bought against the government because of the restrictions imposed by the pool system. These members

⁸⁷ Henry Cohen, “Press Restrictions in the Persian Gulf War: First Amendment Implications,” *Congressional Research Service Report for Congress*, The Library of Congress, 3 April 1991, 1, 15.

⁸⁸ *Ibid.*, 1-2.

⁸⁹ *Ibid.*, a copy of the “Ground Rules” appears at the end of the report.

⁹⁰ *Ibid.*, 2.

of the press alleged that the government was violating the First Amendment by restricting journalists from covering events during operations, and that the government had no legitimate interest in national security. Also, they said the government was discriminating against smaller publications and news channels by only allowing major ones into the war zone.⁹¹ At the time Cohen wrote his report in 1991, a federal court had not yet decided this case.⁹² Nevertheless, Cohen suggested that the federal court should uphold the pool system as constitutional because the Supreme Court has never announced a constitutional right of the press to access the battlefield.⁹³ Also, Cohen noted, the military said that it had a compelling interest in national security and the Supreme Court usually defers to the judgment of the military.⁹⁴

Cohen suggested that members of the press may have more success challenging the “Ground Rules.” The Supreme Court, Cohen went on, could invalidate some of the rules because they may have been too vague and may have prevented the press from reporting information that does not risk security. For instance, Cohen said the rule against mentioning the rules of engagement is undefined and that the rule forbidding “Information on intelligence collection activities, including targets, methods, and results” is overly broad. Conceivably, these rules could prevent a journalist from, say, criticizing how the military is conducting the war.⁹⁵ Cohen’s report is balanced in discussing the interests of the press and of the government and military and is very useful to see the types of information that the government believed could risk national security.

⁹¹ Ibid., 13-14.

⁹² After Cohen completed his report, a federal court dismissed the case mainly because the Supreme Court had not issued any guiding precedent to decide it. For more details, see Kevin P. Kenealey, “The Persian Gulf War and the Press: Is There a Constitutional Right of Access to Military Operations?,” *Northwestern University Law Review* 87 (Fall, 1992): 294-301.

⁹³ Cohen, “Press Restrictions in the Persian Gulf War,” *op. cit.*, 19.

⁹⁴ Ibid., 16.

⁹⁵ Ibid., 17-18.

Dana A. Shea, in her report to Congress called “Balancing Scientific Publication and National Security Concerns: Issues for Congress” (2004), focused on possible restrictions on the publication of scientific findings that could hurt national security during the War on Terrorism. Shea mentioned that the government has become increasingly concerned with scientific publications (particularly in molecular biology) since September 11, 2001⁹⁶ and documented several recent examples of controversial articles. One example was in 2001 when the *Journal of Virology* published the discovery of Australian researchers of how to genetically modify the mousepox virus so that it becomes resistant to its vaccine. Another example occurred in 2002 when *Science* magazine published the finding of researchers in New York of how to construct the poliovirus using chemicals.⁹⁷ And a third example was the revelation in 2002 by the journal called the *Proceedings of the National Academy of Sciences of the United States of America* of certain proteins that make the smallpox virus more deadly.⁹⁸

Shea examined the different ways that the government, scientists, or editors could restrict the publication of potentially dangerous scientific findings. For example, the government could limit access to sensitive publications by having password-controlled websites for scientists.⁹⁹ Another option would be to have scientists regulate themselves by agreeing on ethical codes of publication and by having review boards.¹⁰⁰ And as a

⁹⁶ Dana A. Shea, “Balancing Scientific Publication and National Security Concerns: Issues for Congress,” *Congressional Research Service Report for Congress*, The Library of Congress, 16 December 2004, summary, 1.

⁹⁷ *Ibid.*, 4.

⁹⁸ *Ibid.*, 5.

⁹⁹ *Ibid.*, 28.

¹⁰⁰ *Ibid.*, 25-26.

third option, the editors of scientific publications could agree on guidelines for safety, and impose them on new publications.¹⁰¹

Shea also described how many scientists disagree on whether the government should restrict certain scientific findings. Scientists who oppose restrictions say that restrictions would hinder the progress of science. The idea of science is based on peer review, Shea said, and if there are restrictions on publications, then scientists cannot duplicate each others' studies and confirm their results. Scientists who support restrictions say that America needs restrictions to be safe.¹⁰² Shea noted that Arthur Caplan, a bioethicist at the University of Pennsylvania, even said, "Information will kill us in the techno-terrorist age, and I think its nuts to put that stuff on Web sites."¹⁰³ Shea concluded that the best course of action would be to have cooperation, in whatever form, between the scientific community and the government.¹⁰⁴ Shea's report is very informative of the types of information that threaten security in the War on Terrorism.

In her report to Congress called "Protection of National Security Information" (2006), Jennifer K. Elsea discussed the interest of Congress in protecting national security secrets during the War on Terrorism and examined the current laws that the government can use to prevent the disclosure of such information. First, Elsea documented the laws that prohibit government employees from revealing secrets to unauthorized persons (including members of the press) or to foreign entities. For instance, the National Security Act of 1947 penalizes employees who reveal the identity

¹⁰¹ Ibid., 27-28.

¹⁰² Ibid., 18.

¹⁰³ Ibid., 6.

¹⁰⁴ Ibid., 31.

of covert intelligence agents with up to 10 years in prison, a fine, or both.¹⁰⁵ Also, the Atomic Energy Act of 1947 punishes employees who give or attempt to give away information on nuclear weapons or energy with up to life in prison, a \$500,000 fine, or both.¹⁰⁶ And the Invention Secrecy Act of 1951 carries a penalty of up to two years in prison, a \$10,000 fine, or both for employees who reveal a patent that the government has deemed secret.¹⁰⁷

Second, Elsea focused on the Espionage Act of 1917 and how the government can use this law to prevent employees from leaking secrets as well as to punish members of the press for reporting secrets to the public. Among other things, the act prohibits employees from giving defense information to unauthorized individuals or foreign entities “with the intent or reason to believe it will be used to the injury of the United States or to the advantage of any foreign nation.”¹⁰⁸ Also, the act prohibits unauthorized recipients of secrets from repeating them to anyone else.¹⁰⁹ Elsea implied that this could include members of the press who report leaked information. These two prohibitions carry a penalty of up to 10 years in prison, a fine, or both.¹¹⁰

Elsea argued, consistent with rulings by the Supreme Court, that the Espionage Act is based on the compelling governmental interest of national security, is narrowly tailored to prevent the release of national security secrets, and is not overly broad.¹¹¹ Also, she noted that several justices of the Supreme Court have explicitly said the government could prosecute members of the press for revealing governmental secrets

¹⁰⁵ Jennifer K. Elsea, “Protection of National Security Information,” *Congressional Research Service Report for Congress*, The Library of Congress, 30 June 2006, 10.

¹⁰⁶ *Ibid.*, 9.

¹⁰⁷ *Ibid.*, 11.

¹⁰⁸ *Ibid.*, 3.

¹⁰⁹ *Ibid.*, 6.

¹¹⁰ *Ibid.*, 4.

¹¹¹ *Ibid.*, 16-21.

under the Espionage Act.¹¹² Elsea concluded that the government currently has many useful laws, especially the Espionage Act, to prevent disclosure of security secrets.¹¹³ Elsea's report provides a great overview of national security law and how Congress could restrict the press during the War on Terrorism. However, the report fails to rebut arguments that the government cannot use the Espionage Act against the press. For instance, when Congress passed the act Congress rejected a provision that would have made the act applicable to members of the press.¹¹⁴ Also, the report does not speculate on the political consequences of prosecuting members of the press under the Espionage Act, which would be a major factor for the government to consider if it ever decided to do so.

What is missing from the literature is an examination of how the press has balanced the competing interests of reporting the news and protecting national security in past major wars. Also, the literature is missing a comparison of the extent of freedom of the press in the wars as well as detailed documentation of times when members of the press, in the eyes of government or military officials, could have violated security—whether significantly, substantially, or seriously. Finally, the literature is missing an analysis and synthesis of the types of information that the government, military, and press have deemed critical to national security in past wars. Without such a baseline, it is difficult to determine when the press “crosses the line” in reporting on the War on Terrorism.

¹¹² Ibid.

¹¹³ Ibid., 22.

¹¹⁴ For this argument and other arguments on why the government cannot use the Espionage Act against the press, see Geoffrey Stone, Scared of Scoops, *New York Times*, 8 May 2006; Stone, *Perilous Times*, *op. cit.*, 507-508; Jonathon H. Adler, “Prosecuting Journalists Would Be Unprecedented and Unwise,” *National Security Law Report* 28, no. 3 (September 2006): 10-12.

III. Research Questions

This thesis asks several questions of each major war of the 20th century and the War on Terrorism. How free was the press from governmental or military control? What specific types of information did the government or military not want reported for security reasons? What did the press agree not to report? Did members of the press report anything that, after publication or broadcast, government or military officials claimed was threatening to security? After this thesis answers these questions, it asks if, considering all the major wars, the government, military, and press have come to a consensus on the types of information in wartime that constitute threats. Have trends emerged? Then, this thesis asks if any of the types of information or stories that some members of the press have reported during the War on Terrorism are aberrations from the past.

IV. Methodology

To answer these questions, this thesis conducts a qualitative synthesis of primary and secondary sources dealing with the U.S. press in wartime. Primary sources include government documents, judicial opinions, laws, and newspaper and magazine articles. Secondary sources include books and journal articles. This thesis relied on many online search engines and several libraries, including, among others, LexisNexis, JSTOR, Academic Search Premier, ProQuest, Findlaw, NewspaperArchive.com, the University System of Maryland and Affiliated Institutions, Interlibrary Loan, the Martin Luther King Memorial Library, the Library of Congress, and the U.S. Army Center of Military History. Most extensively, however, this thesis relied on the National Archives in College Park, Maryland. This thesis focuses on World War I, World War II, and the Vietnam War as case studies, before making comparisons to current events.

V. World War I

During World War I, Congress passed several laws affecting the freedom of the press, including the Espionage Act of 1917, the Trading with the Enemy Act of 1917, and the Sedition Act of 1918.¹¹⁵ When the war began, Congress may have intended to avoid censorship because it rejected a version of the Espionage Act that contained a provision giving the government explicit authority to censor the press.¹¹⁶ This version of the law would have banned the publication of information such as the movements of troops, details of planned war operations, descriptions of war materials, and anything else the president deemed “useful to the enemy.”¹¹⁷ Nevertheless, the version of the Espionage Act that Congress eventually passed, in conjunction with the Trading with the Enemy Act and the Sedition Act, gave the government enough grounds for censorship.

The Espionage Act of 1917 contained a number of provisions that affected the freedom of the press. First, the law penalized members of the press who “willfully ma[de] or convey[ed] false reports or false statements with intent to interfere with the operation or success of the military...or to promote the success of its enemies.” The penalty was a \$10,000 fine, up to 20 years in prison, or both.¹¹⁸ Second, the act banned publications that “cause[d] insubordination, disloyalty, mutiny, or refusal of duty...in the military...or...[that] obstruct[ed] the recruiting or enlistment service.”¹¹⁹ Third, the act prohibited any member of the press from publishing the “movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war

¹¹⁵ James R. Mock, *Censorship: 1917* (Princeton: Oxford University Press, 1941), 39, 49-50, 51-54..

¹¹⁶ T.F. Carroll, “Freedom of Speech and of the Press in Wartime: The Espionage Act,” *Michigan Law Review* 17, no. 8 (June, 1919): 628-629.

¹¹⁷ *Ibid.*, 623.

¹¹⁸ *Espionage Act of 1917, U.S. Statutes at Large* 40 (1919): 219.

¹¹⁹ *Ibid.*

materials of the United States...or the plans...or supposed plans...of any military operations” as well as the details of “any works or measures undertaken for the fortification or defense of any place.” The penalty for violating this provision was up to 30 years in prison or death, although convictions were possible only if members of the press made such revelations with the intent to inform the enemy.¹²⁰ The law also gave the Postal Service the power to block the mailing of any publication that violated any provision of the law or that “urg[ed] treason, insurrection, or forcible resistance” to any other law of the United States.¹²¹

The Trading with the Enemy Act gave the government even more power to control members of the press. One provision of the law permitted the president to oversee the censorship of any “communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country” that could jeopardize security.¹²² This provision was significant to members of the press because it allowed the government to censor many of their communications and publications. Another provision penalized persons who evaded censorship or attempted to trick censors with a \$10,000 fine, up to 10 years in prison, or both.¹²³ Yet another provision prohibited members of the press from printing foreign language publications that discussed the war or policies of the government without first giving the Postal Service a complete translation in English.¹²⁴ If persons did not comply with this provision, their publications

¹²⁰ *Espionage Act of 1917, op. cit.*, 219.

¹²¹ *Ibid.*, 230.

¹²² *Trading with the Enemy Act of 1917, U.S. Statutes at Large* 40 (1919): 413.

¹²³ *Ibid.*

¹²⁴ *Ibid.*, 425-426.

were not mailed and the persons were eligible to receive a \$500 fine, up to one year in prison, or both.¹²⁵

The Sedition Act, which was actually an amendment to the Espionage Act, added that members of the press could not publish anything that obstructed the United States from selling war bonds or making or receiving loans. The Sedition Act also prohibited publication of anything “disloyal, profane, scurrilous, or abusive” about the government, the Constitution, the military, the U.S. flag, or the uniform of U.S. soldiers or anything that brought these things into “contempt, scorn...or disrepute.” On top of this, members of the press could not publish anything that incited citizens to stop producing goods that the country needed to fight the war.¹²⁶ The law gave the Postal Service the power to block the mailing of any publication that violated the provisions. The penalty for violating the law was a \$10,000 fine, up to 20 years in prison, or both.¹²⁷

The government made many efforts to implement the censorship laws. President Wilson gave the Navy the responsibility of censoring international cables and telegrams.¹²⁸ The military operated censorship stations in several locations, namely New York, New York; Guantanamo Bay, Cuba; and Honolulu, Hawaii.¹²⁹ At the start of the war, the government gave censors training as well as guidelines on what information to censor.¹³⁰ However, there were only three guidelines and they were very vague. For instance, the government instructed the censors to suppress “any

¹²⁵ Ibid., 426.

¹²⁶ *Sedition Act of 1918, U.S. Statutes at Large* 40 (1919): 553.

¹²⁷ Ibid., 554. After World War I, Congress repealed the Sedition Act.

¹²⁸ Woodrow Wilson, Executive Order 2604: Censorship of Submarine Cables, Telegraph and Telephone Lines, 28 April 1917; “Unarranged” folder (“Unarranged”); Box 1; Complete Report of the Chairman of the Committee on Public Information (Complete Report of the Chairman); Record Group 63 (RG 63); National Archives at College Park, College Park, MD (NACP).

¹²⁹ Mock, *Censorship: 1917, op. cit.*, 80.

¹³⁰ Ibid., 78, 80.

information...prejudicial to the interests of the United States,” and it was up to their discretion to identify what information fit this mold.¹³¹

The Navy, however, did not censor many of the press’s cables and telegrams because of the willingness of most members of the press to censor them.¹³² Nevertheless, the Navy targeted press messages that could lead to dissatisfaction with the war.¹³³ An example of a message the government believed would lead to dissatisfaction described a potential walkout of laborers from the Remington munitions factory in Connecticut.¹³⁴ Another came from the *Associated Press* to the *Honolulu Advertiser* about a U.S. soldier convicted of the rape and murder of a Frenchwoman.¹³⁵ The Navy also suppressed information that exaggerated information about America’s war preparations or capability because this could inflate the confidence of the Allies in America’s real capability.¹³⁶ An example of the Navy suppressing such information was the telegram from a Washington correspondent to a newspaper in London overstating the production and capability of new American tanks: “[America] can turn out thousand of these high speed murderous tanks day [sic].”¹³⁷

Censors examined publications going through the mail.¹³⁸ The Postal Service had the power to delay and block the circulation of publications.¹³⁹ The government never

¹³¹ U.S. Censorship Rules for Sending of Wire Messages; “Unarranged”; Box 1; Complete Report of the Chairman; RG 63; NACP.

¹³² Mock, *Censorship: 1917, op. cit.*, 91.

¹³³ *Ibid.*, 80.

¹³⁴ Office of Cable Censor, New York, to Commander Hoff, July 13, 1917; “Propaganda re cables” folder; Box 1; Correspondence and Memoranda in Regard to the Censorship of Cables Addressed to Edgar Sission and George Creel (Mar.-Aug. 1917); RG 63; NACP.

¹³⁵ Mock, *Censorship: 1917, op. cit.*, 88.

¹³⁶ *Ibid.*, 104.

¹³⁷ Office of Cable Censor, Washington, to Chairman George Creel, May 22, 1918; “Bryan, Lt. Commander Thomas P.” folder; Box 3; General Correspondence of George Creel, Chairman, July 1917-Mar. 1919 (General Correspondence of Creel); RG 63; NACP.

¹³⁸ Censorship Board to censors about censoring the press, February 27, 1918; “Hyde, Fred B.” folder; Box 12; General Correspondence of Creel; RG 63; NACP.

trained the censors and it gave them rules that were just as vague as the rules for cable censors.¹⁴⁰ A couple of the rules, for example, were “to suppress enemy propaganda” and “to suppress military, naval, or other indiscreet information.” The censors would classify any publications that they censored as “Pro-Ally,” “Impartial,” or “Pro-German.”¹⁴¹

During the war, the Postal Service blocked the issues of many small publications from the mail because the issues often violated the censorship laws.¹⁴² The small publications were usually German, Irish, or socialist newspapers, which often protested against the war or advocated overthrow of the government.¹⁴³ After violations, the Postal Service usually made the effort to stop the papers from circulating future issues by revoking their second class mailing permit. This permit gave publications a discount postage rate (one cent per pound of mail), and most of the small papers depended on it for financial survival.¹⁴⁴

By the end of the war, the censors and Postal Service blocked the mailing of about 75 papers.¹⁴⁵ As an example, the Postal Service withdrew a second class permit to the New Jersey *Frei Zeitung* of Newark after seditious and disloyal articles.¹⁴⁶ Another time, the *Public* lost its second class permit for saying the government should stop taking loans for the war and pay for it with increased taxes.¹⁴⁷ And the *Gaelic-American* of

¹³⁹ Q.A. Hilton, “Freedom of the Press in Wartime: 1917-1919,” *The Southwestern Social Science Quarterly* 28, no. 4 (March, 1948): 348.

¹⁴⁰ Mock, *Censorship: 1917*, *op. cit.*, 110.

¹⁴¹ Censorship Board to censors about censoring the press, February 27, 1918; “Hyde, Fred B.” folder; Box 12; General Correspondence of Creel; RG 63; NACP.

¹⁴² Hilton, “Freedom of the Press in Wartime,” *op. cit.*, 348.

¹⁴³ William H. Lamar, “The Government’s Attitude Toward the Press,” *Forum*, February 1918, 131.

¹⁴⁴ *Ibid.*, 133.

¹⁴⁵ Hilton, “Freedom of the Press in Wartime,” *op. cit.*, 353.

¹⁴⁶ Mock, *Censorship: 1917*, *op. cit.*, 142.

¹⁴⁷ Hilton, “Freedom of the Press in Wartime,” *op. cit.*, 353.

Philadelphia experienced the same fate after publishing an article that denounced Britain's occupation of Ireland and said that the U.S. government was helping perpetuate the situation.¹⁴⁸

There were members of the press who sued to prevent the Postal Service from blocking their publications from the mail or from revoking their permits. However, the lawsuits were usually unsuccessful.¹⁴⁹ For instance, the *Milwaukee Leader* sued to get its permit back after it said the United States was fighting the war to bail out its "washed up" allies.¹⁵⁰ The Supreme Court held that the permit was only a privilege, not a right, and that the government could revoke permits if newspapers violated the law.¹⁵¹ *The Masses* lost its battle in federal court to get the Postal Service to circulate copies of its August 1917 edition that the government said obstructed recruitment and encouraged insubordination. Among other examples of objectionable material that *The Masses* published was a cartoon titled "Conscription" that showed dead bodies labeled "Youth", "Labor" and "Democracy" tied to a cannon and a poem that glorified critics of the draft as "elemental forces."¹⁵² A judge declared that the refusal of the Postal Service to mail the copies was consistent with the Espionage Act.¹⁵³ The *New York Call* also lost its lawsuit to regain a permit after advocating a communist overthrow of the government. A federal court judge said the government was justified because of its interest in preventing violence.¹⁵⁴

¹⁴⁸ Michael Patrick Mulcrone, "The World War I Censorship of the Irish-American Press," Ph.D. dissertation, University of Washington, 1993, 299.

¹⁴⁹ Hilton, "Freedom of the Press in Wartime," *op. cit.*, 346.

¹⁵⁰ Stone, *Perilous Times*, *op. cit.*, 211.

¹⁵¹ *United States Ex. Rel. Milwaukee Social Democratic Pub. Co. v. Burlison*, 255 U.S. 407 (1921), 416.

¹⁵² Stone, *Perilous Times*, *op. cit.*, 164-65.

¹⁵³ Zechariah Chafee, Jr., *Freedom of Speech* (New York, NY: Harcourt, Brace, and Howe, 1920), 54.

¹⁵⁴ Hilton, "Freedom of the Press in Wartime," *op. cit.*, 357.

The government also prosecuted some small publications for violating the Espionage and Sedition Acts. Some of these prosecutions were unsuccessful at district court, or a higher court overruled prosecutions that were successful at a lower court.¹⁵⁵ For instance, a jury dismissed charges in a district court that the New Jersey *Frei Zeitung* had obstructed the recruiting or enlistment service by criticizing the war.¹⁵⁶ Also, the Supreme Court reversed the conviction of the employees at *The American Socialist* who had alleged that America went to war to make J.P. Morgan money, because the judge in the case committed a technical violation.¹⁵⁷ Nevertheless, there are a few noteworthy examples of successful prosecutions.

In one example, a court convicted an editor at the Missouri *Staats-Zeitung* for saying that U.S. involvement in the war was “outright murder without serving anything practical” and that Germany was unconquerable. He received 10 years in prison.¹⁵⁸ In another example, a court convicted three members of the Philadelphia *Tageblatt* for a series of articles praising Germany and criticizing U.S. involvement in the war.¹⁵⁹ One article was called “Yankee Bluff” and said that the United States did not have the capacity to fight Germany.¹⁶⁰ Two of the members of the *Tageblatt* received five years in prison, and the other member got two years.¹⁶¹ And in a third example, a court convicted communist leader Rose Stokes for publishing a letter to the editor in the *Kansas City Star* that said, “I am for the people and the Government is for the profiteers.” A federal court

¹⁵⁵ Mock, *Censorship: 1917*, op. cit., 131-152.

¹⁵⁶ Ibid., 142-43.

¹⁵⁷ Ibid., 149-151.

¹⁵⁸ Stone, *Perilous Times*, op. cit., 195.

¹⁵⁹ Chafee, Jr., *Freedom of Speech*, op. cit., 94.

¹⁶⁰ Ibid., 97.

¹⁶¹ Ibid., 94.

eventually threw out this conviction after the war, but it is worth mention because the government used her letter as a major example of violating the Espionage Act.¹⁶²

The military, in addition to the efforts of the governments to implement the censorship laws, controlled the press by restricting access to cover war operations. The military never allowed more than about 40 war correspondents into the war zone¹⁶³ and even made the ones that were there pay \$1,000 to cover the costs of transportation and equipment as well as a \$10,000 bond to ensure that they would “act as a Gentleman of the Press.”¹⁶⁴ Also, for much of the fighting correspondents could not take photographs on the frontlines, and when the military finally permitted picture-taking correspondents had to submit all photographs for censorship review.¹⁶⁵

Throughout the entire war, the military banned the publication of photographs showing dead American soldiers.¹⁶⁶ Furthermore, reporters had to sign an agreement allowing the military to censor all of their dispatches and personal communications through a system of review.¹⁶⁷ In addition to this requirement, war correspondents had to agree to rules of voluntary censorship, which this thesis describes later.¹⁶⁸ Reporters faced the constant threat of dismissal, detainment, or suspension for violations of these rules.¹⁶⁹

¹⁶² Ibid., 58-59, 119.

¹⁶³ M.L. Stein, *Under Fire: The Story of American War Correspondents* (New York, NY: Julian Messner, a division of Simon & Shuster, Inc., 1968), 71.

¹⁶⁴ Phillip Knightley, *The First Casualty: The War Correspondent as Hero and Myth-Maker from the Crimea to Iraq* (Baltimore, MD: The Johns Hopkins University Press, 2004), 133.

¹⁶⁵ Smith, *War and Press Freedom*, *op. cit.*, 199.

¹⁶⁶ George H. Roeder, Jr., *The Censored War: American Visual Experience During World War Two* (New Haven: Yale University Press, 1993), 8.

¹⁶⁷ Mock, *Censorship: 1917*, *op. cit.*, 103.

¹⁶⁸ Cedric Larson, “Censorship of Army News during the World War, 1917-1919,” *Journalism Quarterly* 17 (December 1940), 316.

¹⁶⁹ Mock, *Censorship: 1917*, *op. cit.*, 103.

Clearly, the government and military imposed broad controls on the press, including restrictive laws, the censorship of publications going through the mail, the censorship of press dispatches, rules of voluntary censorship, and limits on the access to cover war operations. The government targeted small publications, especially socialist and foreign-language ones, for suppression. Civil libertarians call this period of war one of the most oppressive times for the press in U.S. history.¹⁷⁰ Nevertheless, the press was free to publish any information outside of the controls, even though they were broad. Also, most members of the press, including the national papers and the metropolitan dailies, usually agreed with the government on the types of information that they should refrain from revealing to protect national security.¹⁷¹

A. Information that the Government, Military, and Press Agreed Could Violate National Security

In 1917, President Woodrow Wilson established the Committee on Public Information (CPI) to control public opinion about the war, primarily through propaganda.¹⁷² In this role, the CPI conducted a range of activities, including, among others, patriotic speeches, the publication of war news (in the *Official Bulletin*), and propaganda films. However, the CPI also communicated with the press to prevent disclosures of information that could hurt national security. The CPI issued rules of voluntary censorship to the *domestic* press (the military had similar but different rules for war correspondents) in two documents, which were called *The Preliminary Statement to*

¹⁷⁰ Donald Johnson, "Wilson, Burleson, and Censorship in the First World War," *The Journal of Southern History* 28, no. 1 (Feb., 1962): 58.

¹⁷¹ Mock, *Censorship: 1917, op. cit.*, 48.

¹⁷² James Mock and Cedric Larson, *Words that Won the War: The Story of The Committee on Public Information 1917-19* (New York: Russell & Russell, 1968), 49, 51.

*the Press of the United States and What the Government Asks of the Press.*¹⁷³ George Creel, Chairman of CPI, wrote the rules and said that the purpose of them was to “protect military information of tangible benefit to the enemy.”¹⁷⁴ The rules were not legally binding, and the CPI relied on the “honor and patriotism” of the members of the press.¹⁷⁵ Major newspapers, including the *New York Times*, *Chicago Tribune*, and *Minneapolis Sunday Tribune*, voluntarily censored themselves according to the CPI rules.¹⁷⁶ In fact, about 99 percent of the press did.¹⁷⁷ One part of the CPI was the Division of News, which, while doing other things, answered hundreds of questions a day from members of the press about what information could violate the rules or otherwise help the enemy.¹⁷⁸

Numerous members of the press did oppose the rules of the CPI.¹⁷⁹ William Randolph Hearst, owner of many newspapers during World War I, said that he would rather shut down his papers than have the government tell him what to print.¹⁸⁰ Also, Hugh J. Hughes, editor of *Farm, Stock and Home* magazine, complained in a letter to the CPI that any rules against reporting military information were pointless because

¹⁷³ The Preliminary Statement to the Press of the United States; “Unsorted”; Box 1; Complete Report of the Chairman; RG 63; NACP; What the Government Asks of the Press; “Unsorted”; Box 1; Complete Report of the Chairman; RG 63; NACP. For a general overview of all of the activities of the CPI, see George Creel, *The Complete Report of the Chairman of the Committee on Public Information* (New York, NY: Da Capo Press, 1972), 1-8.

¹⁷⁴ James Mock, et al, “The Limits of Censorship: A Symposium,” *The Public Opinion Quarterly* 6, no. 1 (Spring, 1942): 11.

¹⁷⁵ Scope and Activities of Committee on Public Information Shown in Report by Chairman Creel Made to the President; “Unarranged”; Complete Report of the Chairman; Box 1; RG 63; NACP. The CPI, however, did apply social pressure in the form of letters to editors to bring them into line when they violated the rules. For example, the *Detroit News Tribune* reported that the military delayed the departure of the 85th Division of the Army from a military camp in the United States to France, so the CPI wrote a letter to the newspaper’s editor informing him that he broke the rules. See Leigh Reilly, Director of the Division of News, to George Miller, Editor of the *Detroit News Tribune*, 13 July 1918; “Miller, George E.” folder; Box 16; General Correspondence of Creel; RG 63; NACP; “Camp Custer,” *Sheboygan Press*, 9 July 1918.

¹⁷⁶ Mock, *Censorship: 1917*, op. cit., 45, 50.

¹⁷⁷ Ibid., 48.

¹⁷⁸ George Creel, *How We Advertised America* (New York: Harper & Brothers Publishers, 1972), 75.

¹⁷⁹ Mock and Larson, *Words that Won the War*, op. cit., 83-84.

¹⁸⁰ Vaughn, *Holding Fast the Inner Lines*, op. cit., 226.

America's enemies often discover U.S. military secrets without any help of the press.¹⁸¹ And the *Lexington Herald* claimed that the rules "deprive the public of information."¹⁸² Some members of the press even repeatedly violated the rules, as this thesis will discuss later.¹⁸³

In *The Preliminary Statement to the Press of the United States*, the CPI separated news into three categories: dangerous matters, questionable matters, and routine news. The CPI encouraged the press to never print dangerous matters, to ask for the approval of the CPI for questionable matters, and to feel free to print routine news (i.e. anything unconnected to the war effort). The CPI listed many dangerous matters, which were very specific. Some dangerous matters included military operations that were in progress; assassination plots against the president; the activities of the Secret Police; and secret orders or other secret instructions regarding lights, buoys, and other guides to navigators. Other dangerous matters included details of communications between war vessels, duties assigned to special combat units, and the location or number of troops, warships, mines, and anti-aircraft/fixed land defenses in the United States. The CPI went on to list a few other dangerous matters, particularly experiments or inventions in war materials, the activities on dry docks (e.g. the type of repairs and construction on war vessels), information on official missions in transit through the United States, and information on

¹⁸¹ Mock and Larson, *Words that Won the War*, *op. cit.*, 85. George Creel replied to Hughes in a letter, saying that according to his logic, "we might as well send advance information of our plans in carbon to the German War Office."

¹⁸² "Censorship is Drawn Tighter on U.S. Press," *Lexington Herald*, 31 July, 1917.

¹⁸³ Mock and Larson, *Words that Won the War*, *op. cit.*, 85-86.

the aircraft and equipment that the government used to train soldiers at aviation schools.¹⁸⁴

Regarding questionable matters, the CPI said that there was a wide range of these and that a list could not begin to capture all of them. However, the CPI still provided an example, which was narrative descriptions of past military operations or life in training camps. The CPI said that it is easy for the press to unintentionally include dangerous matters in such descriptions or to mention information that the military wanted secret.¹⁸⁵

In the document called *What the Government Asks of the Press*, the CPI basically summarized the types of dangerous matters given in *The Preliminary Statement to the Press of the United States* for newsrooms across the country to use as a quick reference. However, the CPI added a few other things that it considered to be dangerous matters. For instance, the CPI said it was dangerous to give information on the movements of troops or warships and production details of war materials (e.g. air material). Also, the CPI discouraged any mention of the time of departure of merchant ships as well as the contents of their cargoes (especially if munitions or other war materials). And finally, the CPI added that the press should not reveal the numbers of fighter planes, information on harbor defenses, how the government organized the air force, or the locations of overseas bases.¹⁸⁶

Many members of the press and the government further agreed not to report *as legitimate news* the many rumors dealing with the war effort going around the country

¹⁸⁴ The Preliminary Statement to the Press of the United States; "Unsorted"; Box 1; Complete Report of the Chairman; RG 63; NACP; Also, see the entire "German Lies" folder ("German Lies"); Box 1; Complete Report of the Chairman; RG 63; NACP.

¹⁸⁵ Ibid.

¹⁸⁶ What the Government Asks of the Press; "Unsorted"; Box 1; Complete Report of the Chairman; RG 63; NACP.

that they believed German enemies propagated.¹⁸⁷ Members of the press and the government believed that helping spread the rumors would aid the enemy and could hurt the defense of the nation.¹⁸⁸ Many newspapers actually chose to publish columns that refuted the rumors, which the papers commonly called “German Lies.”¹⁸⁹

The *Toledo Times*, for instance, denied the truth of numerous rumors, including, among others, that the United States would soon experience a shortage of salt, that England paid President Wilson to wage war on Germany, and that the U.S. Army barely fed one of its soldiers.¹⁹⁰ The *Ogden Examiner* wrote an article denying a rumor that 200 wounded U.S. soldiers returned home from war without blankets or other basic equipment.¹⁹¹ And the *Auburn Citizen* dismissed as a typical German lie the rumor that the government asked the family of an army lieutenant who was killed in combat to keep his death secret.¹⁹² At least one paper offered to run a retraction for unintentionally publishing a suspected rumor as legitimate news.¹⁹³ The paper was the *Duluth News Tribune*, and it had reported that a U.S. soldier returned home to discover that his wife was unfaithful to him.¹⁹⁴ The offer of a retraction came after a member of the CPI

¹⁸⁷ The Preliminary Statement to the Press of the United States; “Unsorted”; Box 1; Complete Report of the Chairman; RG 63; NACP.

¹⁸⁸ George Creel, Chairman of the CPI, to the *Toledo Times*, May 8, 1918; “Miscellaneous Ros-Ry” folder (“Misc. Ros-Ry”); Box 21; General Correspondence of Creel; RG 63; NACP.

¹⁸⁹ See the entire “German Lies” folder (“German Lies”); Box 1; Complete Report of the Chairman; RG 63; NACP.

¹⁹⁰ “Lies Nailed!” *Toledo Times*, May 1918; “Misc. Ros-Ry”; Box 21; General Correspondence of Creel; RG 63; NACP.

¹⁹¹ “Reports about Care of Soldiers False,” *Ogden Examiner*, September 15; “German Lies”; Complete Report of the Chairman; Box 1; NACP.

¹⁹² “The Propaganda Goes On,” *Auburn Citizen*, “German Lies”; Box 1; Complete Report of the Chairman; RG 63; NACP.

¹⁹³ Managing Editor of the *Duluth News Tribune* to Harvey O’Higgins, September 17, 1918; “German Lies”; Box 1; Complete Report of the Chairman; RG 63; NACP.

¹⁹⁴ “This Slacker Wreaks Havoc”; “German Lies”; Box 1; Complete Report of the Chairman; RG 63; NACP.

persuaded the *Tribune* that this was a German effort to frighten men from joining the army.¹⁹⁵

As mentioned, the military had its own set of rules of voluntary censorship for war correspondents, and several of the rules were not in the CPI's documents. Among these rules were ones that were quite flexible, including bans on disclosing inaccurate information and information that could help the enemy, embarrass the United States or her allies, or injure the morale of U.S. troops, citizens, or allies. Other rules, being more specific, banned mention of the location of large supply depots; plans of the military; systems of defense in the war zones; tactical proceedings; the effects of enemy fire against targets in the war zones (unless revealed by appropriate military sources); details of batteries (i.e. artillery), posts of observations, and the construction of railroad bridges and mines in the war zones; as well as exaggerations of military activities.¹⁹⁶

Considering all the rules of voluntary censorship in World War I, whether for the domestic press or war correspondents, most of them protected the military, such as the ones that banned the release of information on war operations and the effects of enemy fire. But some rules protected U.S. civilians and the homeland, including bans on information about harbor defenses, the location of fixed land defenses in the United States, and the times of the departures of merchant ships. After all, the continental United States faced the threat of attacks by German planes, submarines, and saboteurs. Other rules protected the president and diplomatic efforts of the government, including the rules against revealing assassination plots against the president, the activities of the Secret Police, and the movement of official missions through the United States.

¹⁹⁵ Chairman McManus, Four Minute Men of Duluth, to Harvey O'Higgins, September 5, 1918; "German Lies"; Complete Report of the Chairman; Box 1; RG 63; NACP.

¹⁹⁶ Larson, "Censorship of Army News," *op. cit.*, 317-18, 320.

B. Other Information that the Government Wanted Secret

There was other information that the government wanted to remain secret for security reasons besides the types of information outlined in the rules of voluntary censorship. An example was the government's surveillance program of mail. The Censorship Board, formed in 1917 to direct censorship throughout the country,¹⁹⁷ told censors in postal offices around the country never to reveal their methods of censorship, especially to the press.¹⁹⁸ As this thesis will discuss later, however, a newspaper informed the public that the mail censors used a list of names of suspected enemies to help with the censoring of mail, even though many other aspects of the program remained secret.

One thing that was secret was that censors scanned mail for any of 21 subjects of interest, which were very specific. An example was "Communications with the enemy," and these included, among others, (1) letters to and from enemy countries or enemy agents, (2) letters to and from American Military Prisoners of War in Germany or in other enemy countries, (3) letters addressed to General Delivery, Poste Resrante, [and] Lista de Correos..., and (4) transfer[s] of money between Argentina and Sweden. In addition, censors searched letters for discussions of chess because enemies would often hide codes in chess symbols and moves. Other subjects of interest included "Anarchist and Industrial Workers of the World Activity" and "Propaganda."¹⁹⁹ Also, the locations of censorship stations were secret.²⁰⁰ The Censorship Board believed public disclosure of

¹⁹⁷ Mock, *Censorship: 1917, op. cit.*, 57.

¹⁹⁸ Censorship Board to all censorship stations, June 3, 1918; "Censorship Board" folder ("Censorship Board"); Box 4; General Correspondence of Creel; RG 63; NACP.

¹⁹⁹ Subjects of Interest and Directions for Routing Comments; "Censorship Board"; Box 4; General Correspondence of Creel; RG 63; NACP.

²⁰⁰ Censorship Board to all censorship stations, June 17, 1918; "Censorship Board"; Box 4; General Correspondence of Creel; RG 63; NACP.

this program would make it less effective. Chairman Creel even said, “in mail censorship surprise is an essential of success.”²⁰¹

C. When the Government or Military Got Upset with Members of the Press

There were multiple times when members of the press reported information dealing with national security that upset the government or military. Chairman Creel said that the members of the press that did this, though they constituted about only one percent of the press, “entirely destroyed [the] effectiveness” of voluntary censorship.²⁰² The *Washington Post* was one of the most frequent offenders in the eyes of the government.²⁰³ One example came from the front page of its August 10, 1918, edition, with the headline “French Tank Marvel.” This article described tanks that Allied forces were using in battle that France had just developed. The article boasted that the tanks were crippling German forces and that the Allies moved hundreds of tanks to the frontlines. The article also documented the capabilities, tactical uses, and vulnerability of the tanks. For instance, the article said that the tanks could travel eight miles an hour, go up and down trenches with slopes of 45 degrees, and roll over barbed wire fence. The article further said that the tanks typically fight in pairs within formations of eight tanks and can avoid artillery fire by riding the heels of the enemies back to their frontlines (“the [German] artillery dare not fire on its own men”). And finally, the article mentioned that, nevertheless, “the armor [of the tanks] is not proof against field gunfire.”²⁰⁴

²⁰¹ Mock, *Censorship: 1917*, *op. cit.*, 111.

²⁰² Mock, et al, “The Limits of Censorship,” *op. cit.*, 10.

²⁰³ Mock and Larson, *Words that Won the War*, *op. cit.*, 88.

²⁰⁴ Ryley Grannon, “French Tank Marvel,” *Washington Post*, 10 August 1918.

These and other details caused the CPI to issue a memo to all U.S. newspapers asking them not to print anything more on the tanks. The CPI said that the article gave the enemy much information of value and noted that recent military successes occurred largely because of the “secret massing of a great number of tanks.”²⁰⁵ Edward McLean, the editor of the *Washington Post*, said that the paper had no intention to cause damage and promised that it would not publish similar articles in the future.²⁰⁶

However, on August 22, 1918, the *Washington Post* committed another infraction. The article was titled “Four Vessels Sunk by Converted Trawler; Fleet-Seeking Huns” and described the U.S. Navy’s planned response to the German capture of its war vessel called *Triumph*. The Germans made the capture off of the coast of Nova Scotia. The article said that the Navy sent war vessels to recapture or sink the *Triumph* and described the tactic that the Navy would use to corner the vessel:

[the Navy vessels will] spread a cordon of right angles to the coast...stretching for 50 miles or so out to sea. This line should move forward at not less than 18 miles per hour, a rate far in excess of anything the Germans can get out of the *Triumph*.

In addition to this revelation, the article said the Navy planned for the possibility that the Germans would sink the *Triumph* and escape in a submarine.²⁰⁷ The CPI said that such details violated the military’s request for operational secrecy and the rules of voluntary censorship.²⁰⁸

The *Washington Post* caused still more controversy. On September 21, 1918, the paper published the article “Mean Doom of Metz,” which described the U.S. military

²⁰⁵ Committee on Public Information to Editors and Correspondents, July 26, 1918; “Washington Post” folder (“Washington Post”); Box 25; General Correspondence of Creel; RG 63; NACP.

²⁰⁶ Brigadier General M. Churchill to Leigh Reilly, Director of the Division of News, September 30, 1918; “Washington Post”; Box 25; General Correspondence of Creel; RG 63; NACP.

²⁰⁷ “Four Vessels Sunk By Converted Trawler; Fleet Seeking Huns,” *Washington Post*, 22 August 1918.

²⁰⁸ Leigh Reilly to George Creel, Chairman of the CPI, October 1, 1918; “Washington Post”; Box 25; General Correspondence of Creel; RG 63; NACP.

action against a German fortress called Metz. The article said that the U.S. army was using long range guns, which America invented in secret, and that the Germans did not have similar capability at Metz to fight back. The article also stated that a goal of using the long range guns was to propel enough shells filled with gunpowder into the fortress that the U.S. army could later use to help blow it up.²⁰⁹ The CPI said these disclosures violated a request that the CPI made to the press to keep details of the long range guns secret.²¹⁰

Another newspaper that got into trouble with the government was the *San Francisco Examiner*. Its article on July 28, 1918, called “Why the German U-boats Can’t Get Our Troopships” described the many elaborate ways that the United States and British navies were preventing German submarines from attacking merchant ships and other vessels.²¹¹ For instance, the article explained how these ships traveled in a “V” shaped convoy surrounded by torpedo boats and swift destroyers. The article reported that the torpedo boats had large balloons attached to them with airmen who looked for submarines lurking below the surface and that the swift destroyers moved through the water in zigzags as an added precaution. The article also described and showed a map of the minefields in the North Sea that the navies laid for German subs. The article noted that the mines have “plungers” attached to them that trigger an explosion if a sub bumps into them and that the navies constantly change specific locations of the mines to fool the subs.²¹²

²⁰⁹ Albert Fox, “Mean Doom of Metz,” *Washington Post*, 21 Sept. 1918.

²¹⁰ Leigh Reilly to George Creel, Chairman of the CPI, October 1, 1918; “Washington Post”; Box 25; General Correspondence of Creel; RG 63; NACP.

²¹¹ Most of the newspapers owned by William R. Hearst ran this story, but records show that the *San Francisco Examiner* was the only one that got into trouble. See Mock and Larson, *Words that Won the War*, *op. cit.*, 86.

²¹² “Why the German U-Boats Can’t Get Our Troopships,” *San Francisco Examiner*, 28 July 1918.

The article went on to explain the use of decoy ships (a.k.a. “mystery ships”), which were ships equipped with weapons that the navies constructed to appear like merchant ships.²¹³ German subs usually rose to the surface before sinking merchant ships, and the men on the decoy ships (sometimes dressed as women), who appeared to the Germans as merchants, would suddenly pull out a concealed gun and destroy the sub. The article further identified the “depth bomb” as an effective weapon against subs. The article said soldiers programmed the bombs to detonate at a given depth and that the bombs destroyed subs within 150 feet of an explosion.²¹⁴

The article then described how the Navy would put camouflage on the hulls of ships to elude German submarines by painting the hulls a range of colors and designs, including blue and gray as well as a mixture of colors and shades to make boats appear like a shapeless mass. Finally, the article said that ships used microphone detectors to hear the propeller blades of nearby subs and that the American inventor Thomas Edison was working on a new version that would detect subs several miles away.²¹⁵ Chairman Creel cabled the editor of the *Examiner* demanding to know where the paper obtained its information and stated that “you published information absolutely prohibited by law.”²¹⁶

The *Washington Herald* also published an article that upset the government, which the paper titled “7 Cars of Hun Propaganda Censor’s Bag [sic].” At first, the article just explained how government officials confiscated and burned seven carloads of publications full of German propaganda destined for Mexico, which was not secret information. But then the article revealed details of the government’s methods of

²¹³ At times, the Navy also disguised war vessels as steamships.

²¹⁴ “Why the German U-Boats Can’t Get Our Troopships,” *op. cit.*

²¹⁵ *Ibid.*

²¹⁶ Mock and Larson, *Words that Won the War*, *op. cit.*, 86.

monitoring the mail and telephone calls of German spies. It said that the government pinpointed San Antonio, Texas, as the primary location for German spies to send messages abroad or to fellow spies in Mexico and therefore set up a censorship bureau there. As referred to earlier, the article also revealed that the censors had a list of 38,000 persons who the government suspected were spies or otherwise disloyal to help censors with the examination of mail. The article added that several censors obtained the identities of new spies by reading mail and even once cut telephone lines connecting the United States and Mexico to prevent German spies from contacting each other.²¹⁷ Chairman Creel believed that the article was “very bad stuff” and that the disclosures jeopardized the effectiveness of border censorship. He also asked the author of the article to “lay off” and not print such things in the future.²¹⁸

Another controversial article came from an edition of the *New York Times* that the paper was going to ship for sale in countries outside of the United States. The *Times* titled the article “Profiteering and Waste Found in Aircraft,” which described the failure of many private companies to fulfill their government contracts to make combat airplanes. In particular, the article mentioned that after one year only 67 out of 8,500 planes that the government purchased from a company called De Havilland were on the frontlines and that other companies failed to make any heavy bombing planes or chasse planes (“planes of attack”). Other things that the article said was that many of the planes that the companies built were too small for the American-made Liberty engine, that the government postponed plans to build 500 Caproni planes (Italian), and that most

²¹⁷ Charles Newell, “7 Cars of Hun Propaganda Censor’s Bag,” *Washington Herald*, 3 June 1918.

²¹⁸ George Creel, Chairman of the CPI, to Robert Bender, June 5, 1918; “Bender, Robert” folder; Box 1; General Correspondence of Creel; RG 63; NACP.

companies would not be able to mass produce any planes until 1919.²¹⁹ The CPI said that these details gave beneficial information to the enemy, and Postmaster General Albert S. Burleson prevented the edition of the paper from leaving the country.²²⁰

On March 24, 1918, the *New York Sun* published an article titled “Paris Shelled by Guns, Maybe 62 Miles Away.” Initially, the article just speculated on the possibility that Germany invented a long range gun, which was not at all secret. However, the article proceeded to explain that the United States developed an aerial torpedo that can fly through the air and explode at a designated location. The article said the military even had discussions about sending the torpedoes into Germany from behind the frontlines. And on top of this, the article noted that “there is danger that [the idea to build an aerial torpedo] will strike the German inventor’s mind soon for the construction of this torpedo is so simple.”²²¹ The Department of the Navy asked the *Sun* not mention the torpedo again for military reasons.²²²

²¹⁹ “Profiteering and Waste Found in Aircraft,” *New York Times*, 22 August 1918.

²²⁰ Marlene E. Pew to George Creel, Chairman of the CPI, August 26, 1918; “McG-McZ Miscellaneous” folder; Box 16; General Correspondence of Creel; RG 63; NACP.

²²¹ “Paris Shelled By Guns, Maybe 62 Miles Away,” *New York Sun*, 24 March 1918.

²²² Mock, *Censorship: 1917*, *op. cit.*, 105.

The *New York American's* article called "Americans Go Singing into Battle" documented the activities of U.S. troops that made their way to the frontlines to fight. It said that the soldiers "[sang] popular Broadway [hits]," "laugh[ed] and joke[d] in the face of danger," and, while under enemy gunfire, "took it all with the utmost calm." In addition to these activities, the article noted the following:

The accuracy of the American artillery has become the subject of enthusiastic comment. Ten shots to the enemy's one have been scored in more than one instance. Whole villages behind the foe's line have been scrapped by American gunfire.²²³

Colonel R.H. Van Deman of the Military Intelligence Branch believed the newspaper manufactured the story and exaggerated U.S. military capability.²²⁴ Chairman Creel contacted military censors to make sure that war correspondents did not publish any more similar stories.²²⁵ All of these examples of when members of the press angered the government or military dealt with information on secret weapons, planned military operations, monitoring of mail, statistics on critical war supplies, or exaggerated descriptions of military activities.

As mentioned, throughout the war the government and military placed broad controls on the press, but most members of the press usually agreed on the types of information that, if reported, could damage national security. The rules primarily addressed the safety of the military, but also protected U.S. civilians, the homeland, the president, and the diplomatic efforts of the government. Several rules were quite flexible, such as the ones banning inaccurate information and information that could embarrass the

²²³ "Americans Go Singing to Battle," *New York American*, 30 April 1918; "Baker, Commander George B." folder ("Baker, Commander George B."); Box 1; General Correspondence of Creel; RG 63; NACP.

²²⁴ R.H. Van Deman, Colonel of the Military Intelligence Branch, to George Creel, Chairman of the CPI, May 9, 1918; "Baker, Commander George B."; Box 1; General Correspondence of Creel; RG 63; NACP.

²²⁵ George Creel, Chairman of the CPI, to George Barr Baker, Lieutenant Commander, May 10, 1918; "Baker, Commander George B."; Box 1; General Correspondence of Creel; RG 63; NACP.

United States or her allies. Aside from all the rules, the government wanted the methods of mail censorship to remain secret.

Of course, there were still several times when members of the press violated the rules of voluntary censorship, including the stories on secret weapons, military tactics, and the government's monitoring of mail. The reasons for all the violations, however, are anyone's guess. George Creel said that every newspaper had a copy of the rules of voluntary censorship.²²⁶ Some newspapers, particularly the ones owned by William Hearst, disliked the controls that the government placed on them. Therefore, some papers could have intended the violations. Without naming any newspapers, George Creel even said after the war that some of them were dishonest.²²⁷ However, perhaps the violations were just careless errors? In any case, the government never tried to prosecute the violators. The impacts of the violations on national security, if there were any, are unknown.

²²⁶ Creel, *How We Advertised America*, *op. cit.*, 75.

²²⁷ A History of the Office of Censorship, Volume 1, 19 (HOC, Vol. 1); Box 1; A History of the Office of Censorship (HOC); RG 216; NACP.

VI. World War II

When the United States entered World War II in 1941, President Franklin D. Roosevelt stated, “some degree of censorship is essential in wartime, and we are at war...It is necessary that prohibitions against the domestic publication of some types of information, contained in long-existing statutes, be rigidly enforced.”²²⁸ Though he did not name these long-existing statutes, President Roosevelt could have only been referring to the Espionage Act of 1917 and the Alien Registration Act of 1940 (a.k.a. the “Smith Act”). These laws were the only ones on the books at the time that banned the disclosure of certain information in wartime (Congress repealed the Sedition Act of 1918 after World War I).²²⁹

As described earlier, the Espionage Act prohibits such things as “false statements [made] with [the] intent to interfere with the...success of the military” and information that “obstruct[s] the recruiting or enlistment service.” The Smith Act, which Congress passed before America entered World War II to regulate sedition in peacetime,²³⁰ banned “printed matter [that] advise[d], counsel[ed], or urg[ed] insubordination, disloyalty, mutiny, or refusal of duty by any member of the military...”²³¹ In addition to this ban, the law outlawed the publication of information “advocating, advising, or teaching the duty...or propriety of overthrowing any government in the United States by force or violence.” The penalty for violations was up to 10 years in prison, a \$10,000 fine, or

²²⁸ Theodore F. Koop, *Weapon of Silence* (Chicago, IL: University of Chicago Press, 1946), 20.

²²⁹ Betty Houchin Winfield, *FDR and the News Media* (Chicago, IL: University of Illinois Press, 1990), 171; Patrick S. Washburn, *A Question of Sedition: The Federal Government's Investigation of the Black Press During World War II* (New York, NY: Oxford University Press, 1986), 28.

²³⁰ Washburn, *A Question of Sedition*, *op. cit.*, 70.

²³¹ *Alien Registration Act of 1940, U.S. Statutes at Large* 54 (1941): 670.

both, as well as a five year restriction on employment in the United States.²³² The Supreme Court said in *Near v. Minnesota* that prohibitions along these lines would be constitutional.²³³ On the whole, the Smith Act was less sweeping than the Sedition Act, which banned a wider range of sedition.

Aside from these two laws, however, the government did have another law at its disposal to control the press: the Communications Act of 1934. This law said that in wartime the president could shut down or take control of radio stations and seize all radio equipment in them (with just compensation for owners).²³⁴ Many radio broadcasters were aware that the government could invoke the law at any time,²³⁵ but to their relief the government permitted the control of radio to remain in private hands.²³⁶

After the United States entered World War II in 1941, the government passed another law affecting the freedom of the press, which was the First War Powers Act of 1941. Even though the Trading with the Enemy Act of 1917 was still law, Congress found it necessary to include in the First War Powers Act a restatement of the power of the president, in the interest of national security, to oversee the censorship of “communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country.”²³⁷ And therefore, just as in World War I the

²³² *Ibid.*, 671.

²³³ *Near v. Minnesota*, *op. cit.*, 716.

²³⁴ *Communications Act of 1934*, *U.S. Statutes at Large* 48 (1934): 1104-1105.

²³⁵ Michael S. Sweeney, *Secrets of Victory: The Office of Censorship and American Press and Radio in World II* (Chapel Hill, NC: The University of North Carolina Press, 2001), 7, 9-10, 102.

²³⁶ *Ibid.*, 9-10.

²³⁷ *First War Powers Act of 1941*, *U.S. Statutes at Large* 55 (1942): 840-841. A day after Congress passed this law, President Roosevelt issued Executive Order No. 8985, which gave the government the power to censor all communications going in between the continental United States and its territories or possessions. At the time, U.S. territories included, among others, Hawaii and Alaska. The Senate Judiciary Committee decided that the government did not need legislation that would grant such an extension of the power to censor after hearing government officials recount examples of intercepted communications that were very valuable. One of the communications, for instance, mentioned the number, location, and disposition of U.S. troops at a defense post in Alaska. Attorney General Francis Biddle noted that the government

government could restrict what the press reported to the public by censoring the communications and dispatches of members of the press.²³⁸

Attorney General Francis Biddle, in an opinion written to President Roosevelt, said that the international communications that the First War Powers Act granted the president the power to censor included *domestic* radio broadcasts (i.e. commercial broadcasts).²³⁹ The logic of Attorney General Biddle was that radio waves often travel beyond the borders of the nation and are therefore “international” in their nature. The government, thus, could censor any broadcasts coming from “NBC, Blue, CBS,...Mutual...[or even] the mom-and-pop independent stations that spun records and... [announced] cattle and hog prices.”²⁴⁰

Officials high in the Roosevelt administration and in the military who read the opinion agreed that the government should not implement it and that it should remain secret.²⁴¹ They believed that censorship on such a large scale would be bad politically, would hurt the profits of stations, and could lead to governmental control of radio in peacetime.²⁴² One high government official, however, described Biddle’s opinion as a

censored international communications without legislation for parts of the Civil War, Spanish War, and World War I. See Executive Order No. 8985, December 19, 1941; “HJ 41” folder; Box 69; Administrative Subject File (ASF); RG 216; NACP; Koop, *Weapon of Silence, op. cit.*, 131-35.

²³⁸ In fact, the government required censors to read or monitor *all* international cables and phone calls made by members of the press. See United States of America: Cable Censorship Instructions (USA: CCI); Bound Volume (BV), p. 61, 135; Box 652; ASF; RG 216; NACP.

²³⁹ Francis Biddle, Attorney General, to Franklin D. Roosevelt, President of the United States, May 18, 1942; “Point-to-Point Circuits” folder (“P-P Circuits”); Administrative Subject File (ASF); Box 367; RG 216; NACP.

²⁴⁰ Sweeney, *Secrets of Victory, op. cit.*, 7. At the start of World War II, there were about 900 commercial radio stations.

²⁴¹ Byron Price, Director of the Office of Censorship, to staff of the Office of Censorship, May 20, 1942 (Price to staff); “P-to-P Circuits”; Box 367; ASF; RG 216; NACP.

²⁴² Price to staff; “P-to-P Circuits”; Box 367; ASF; RG 216; NACP; Sweeney, *Secrets of Victory, op. cit.*, 9.

“club in the closet” should any of the radio stations get out of hand.²⁴³ Nevertheless, throughout the war the government did not use it.²⁴⁴

The government charged very few members of the press with violating either the Espionage Act or the Smith Act.²⁴⁵ There were only two major cases, one involving the *Chicago Tribune* and the other *The Galilean*, a small publication that was pro-Nazi.²⁴⁶ Many members of the government, however, including President Roosevelt and his Cabinet, wanted more charges against the press.²⁴⁷ For instance, President Roosevelt pressured Attorney General Biddle to prosecute the *Washington Times-Herald*, the *New York Daily News*, and other “subversive sheets” for frequent criticism of the government’s war policies and disclosing classified information.²⁴⁸ However, Attorney General Biddle, a staunch defender of civil liberties, prevented nearly all indictments against the press from proceeding.²⁴⁹

The government attempted to prosecute the *Chicago Tribune* under the Espionage Act after it published the article indicating that the United States had broken Japan’s code of communication.²⁵⁰ But the government eventually dropped its charges because Japan

²⁴³ Sweeney, *Secrets of Victory*, *op. cit.*, 14; Nancy Widdows Grover, “Radio Censorship in Wartime: A Study of the Problems of Voluntary (Non-military) Radio Censorship in the United States During World War II,” Master’s Thesis, Miami University (Ohio), 1974, 38.

²⁴⁴ Koop, *Weapon of Silence*, *op. cit.*, 178. In a few instances, however, the Federal Communications Commission (FCC) threatened to deny licenses to radio stations unless they fired broadcasters employed at the stations who the government believed were enemy-sympathizers. See Sweeney, *Secrets of Victory*, *op. cit.*, 124-125.

²⁴⁵ Smith, *War and Press Freedom*, *op. cit.*, 147; Zechariah, Chafee, Jr., *Government and Mass Communications: A Report from the Commission on Freedom of the Press*, vol. 1 (Chicago, Illinois: The University of Chicago Press, 1947), 450.

²⁴⁶ Stone, *Perilous Times*, *op. cit.*, 262, 264.

²⁴⁷ Washburn, *A Question of Sedition*, *op. cit.*, 41-122.

²⁴⁸ *Ibid.*, 69-70. President Roosevelt would repeatedly ask Biddle, “When are you going to indict the seditionists?” See Stone, *Perilous Times*, *op. cit.*, 257.

²⁴⁹ Washburn, *A Question of Sedition*, *op. cit.*, 93.

²⁵⁰ Smith, *War and Press Freedom*, *op. cit.*, 148-149.

failed to notice the article and the trial was causing much publicity.²⁵¹ William Pelley, editor of *The Galilean*, got into trouble over violating the Smith Act for numerous statements in his articles.²⁵² A couple of his statements included “the typical American...gloats when any of the Axis powers reports success abroad—even against our own forces”²⁵³ and “Mr. President [Roosevelt]...might, easily,...have prevented the attack on Pearl Harbor.”²⁵⁴ Pelley spent 10 years in prison.²⁵⁵

As in World War I, the government focused on censoring the international communications of members of the press. President Roosevelt created the Office of Censorship (OC) and gave it the power to censor these communications.²⁵⁶ There were 19 cable censorship stations, and they were situated in either the continental United States or overseas. For example, stations were in Washington, D.C.; Baltimore, Maryland; and San Francisco, California, as well as in Puerto Rico, the Virgin Islands, and Liberia.²⁵⁷ Censors scanned cables for several specific types of information, including, among others, disclosures on the vulnerability(s) of U.S. defenses, speculation on the nation’s military or diplomatic plans, racial or religious conflict, and industrial or military sabotage. But the government also gave the censors much discretion, especially given the directions for censors to suppress such things as wild rumors, opinions that could hurt

²⁵¹ Dina Goren, “Communication Intelligence and the Freedom of the Press: Chicago Tribune’s Battle of Midway Dispatch and the Breaking of the Japanese Naval Code,” *Journal of Contemporary History* 16 (1981): 670.

²⁵² Stone, *Perilous Times*, *op. cit.*, 264.

²⁵³ Washburn, *A Question of Sedition*, *op. cit.*, 77.

²⁵⁴ Stone, *Perilous Times*, *op. cit.*, 264.

²⁵⁵ *Ibid.*, 268. After the government convicted Pelley, he appealed his case to the U.S. Court of Appeals. This court upheld his conviction, saying Pelley had every intention to subvert the war effort. The Supreme Court declined to review the case. See Stone *Perilous Times*, *op. cit.*, 265.

²⁵⁶ Executive Order No. 8985, December 19, 1941; “HJ 41” file; Box 69; ASF; RG 216; NACP.

²⁵⁷ USA: CCI; BV, p. 14-15; Box 652; ASF; RG 216; NACP.

the U.S. war effort, or anything else that the enemy could use “to his immediate advantage.”²⁵⁸

Regardless, Byron Price, the Director of the OC, said that it was relatively rare for censors to stop the transfer of entire press messages.²⁵⁹ One example, however, occurred when Lincoln Barnett of *Life* magazine tried to send a cable leaking the story that a U.S. diplomat named Robert Murphy had secretly made arrangements with Vichy French officials in North Africa for the Allied invasion of that area (called Operation Torch).²⁶⁰ Murphy used his job administering a U.S. food relief program for North African territories to make the arrangements.²⁶¹ Censors nabbed the message, which Barnett sent about a month after the invasion began.²⁶² Other times, censors just deleted a certain part(s) of a message, as they did for a cable that suggested Allied forces were about to invade the island of Alderney (off the coast of France)²⁶³ and for another cable that said a British reconnaissance force landed on the island of Lampedusa (Italy) to prepare for an Allied attack.²⁶⁴

²⁵⁸ USA: CCI; BV, p. 62.; Box 652; ASF; RG 216; NACP.

²⁵⁹ Byron Price, Director of OC, to John S. Knight, Chief Liaison Officer, September 28, 1943; “Cable Messages” folder; Box 1; ASF; RG 216; NACP.

²⁶⁰ This fact was important because German Chancellor Adolf Hitler believed that Vichy French officials would always cooperate with the Axis powers, as Vichy French officials had largely done until then, to secure positions of influence in the Third Reich. See W.G.F. Jackson, *The North African Campaign, 1940-43* (London, England: Redwood Burn Ltd., Trowbridge & Esher, 1975), 277-280.

²⁶¹ N.R. Howard, Censor for the OC, to Byron Price, Director of the OC, December 19, 1942; “Violations and Suppressions”; Box 145; ASF; RG 216; NACP; Jackson, *The North African Campaign, op. cit.*, 277-279.

²⁶² N.R. Howard, Censor for the OC, to Byron Price, Director of the OC, December 19, 1942; “Violations and Suppressions”; Box 145; ASF; RG 216; NACP; General Dwight Eisenhower, who was very disturbed about the incident, suspended Barnett’s accreditation as a correspondent “pending an investigation.”

²⁶³ Frank C. Clough, Press Division, to Herbert Moore, General Manager, Transradio Press Service, Inc., August 17, 1944; “Jan. ’44: V & S”; Box 144; ASF; RG 216; NACP.

²⁶⁴ AFHQ, North Africa, to War-W 2409, Cable, June 10, 1943; “Jan. ’43: Violations and Suppressions” folder; Box 144; ASF; RG 216; NACP.

The OC gave mail censors similar discretion in evaluating publications intended for export.²⁶⁵ Censors delayed or blocked several issues of publications from leaving the country. The OC referred to issues that censors blocked from export as “condemned.” A censor delayed the export of an issue of *Harper’s Magazine* because of an article that erroneously paraphrased Attorney General Biddle as saying that “Negroes [should] be chained to their place of abode.”²⁶⁶ Censors condemned an issue of the *New Negro World* for a line that read, after comments on the racism and violence against blacks in America: “...TO HELL WITH PEARL HARBOR.”²⁶⁷ And in two other examples, censors condemned an issue of *Time* magazine for an article on a riot in an enemy prison²⁶⁸ and an issue of the *Lockheed-Vega Star* for revealing information on air raid shelters and the evacuation plans at war material factories.²⁶⁹

The Post Office revoked the mailing permits of six publications during the war.²⁷⁰ Although the Post Office wanted to shut down more publications, it relied on the opinion of Attorney General Biddle to determine which publications it should suppress.²⁷¹ Biddle did not recommend many for suppression,²⁷² just as he hindered efforts to prosecute members of the press, fearing a repeat of the widespread censorship in World War I.²⁷³

²⁶⁵ U.S. Postal Censorship Regulations, Office of Censorship; HOC, Vol. 1; Box 1; A History of the Office of Censorship (HOC); RG 216; NACP; Koop, *Weapon of Silence*, *op. cit.*, 41.

²⁶⁶ Perry Arnold, Press and Publications Liaison Section, to Mr. Naylor, September 23, 1943; “Racial Problems” folder; Box 275; ASF; RG 216; NACP.

²⁶⁷ Washburn, *A Question of Sedition*, *op. cit.*, 110.

²⁶⁸ N.V. Carlson, Lt. Col., AUS, Executive Officer, to Shirley Stephens, Chief of Enforcement Division, Bureau of Customs, October 23, 1942; “Condemned for Export: S-Z” folder; Box 87; ASF; RG 216; NACP.

²⁶⁹ Ralph Burckholder, Assistant Chief Postal Censor, to Bert W. Holloway, Editor-in-Chief of the *Lockheed-Vega Star*, April 24, 1943; “Misc. Domestic Condemned” folder; Box 84; ASF; RG 216; NACP.

²⁷⁰ Richard W. Steele, *Free Speech in the Good War* (New York, NY: St. Martin’s Press, 1999), 170. However, the Post Office reinstated the licenses of two of the publications before the end of the war. See Sweeney, *Secrets of Victory*, *op. cit.*, 79.

²⁷¹ Washburn, *A Question of Sedition*, *op. cit.*, 120-121, 123-144.

²⁷² *Ibid.*, 142.

²⁷³ *Ibid.*, 51; Stone, *Perilous Times*, *op. cit.*, 255.

Of those with revoked licenses was Father Charles Coughlin's *Social Justice* magazine, which was anti-Semitic and pro-Nazi.²⁷⁴ It published numerous statements that led to its downfall. Among them were statements saying that America would not win the war, that America was fighting for money, and that Britain was going to abandon the war against the Axis powers.²⁷⁵ *X-Ray* (Indiana), in another example, lost its mailing permit after declaring that Pearl Harbor "sunk the hopes of Jewry in this country—and the world forever, Amen and Amen."²⁷⁶ The same thing happened to *Publicity* (Kansas) for an article that called President Roosevelt a dictator under the control of "Mongolian Jew[s]."²⁷⁷

The Post Office occasionally delayed or blocked the mailing of certain issues of publications. Censors looked for publications that violated the Espionage Act, the Smith Act, or that incited readers to resist any other U.S. law.²⁷⁸ Throughout the war, censors examined about 17,000 publications.²⁷⁹ The OC assigned certain publications to each censorship station.²⁸⁰ For instance, the Washington, D.C. station examined copies of, among many others, the *Atlanta Constitution*, the *New York Times*, and the *Wall Street Journal*, while the station in El Paso, Texas, reviewed the *El Paso Herald-Post* and the *El Paso Times*.²⁸¹

²⁷⁴ "Coughlin Weekly Ends Publication," *New York Times*, 4 May 1942.

²⁷⁵ Sheldon Marcus, *Father Coughlin: The Tumultuous Life of the Priest of the Little Flower* (Boston, MA: Little, Brown and Company, 1973), 214-215.

²⁷⁶ "Mails Shut to X-Ray as Seditious Weekly," *New York Times*, 1 May 1942; Sweeney, *Secrets of Victory*, *op. cit.*, 78.

²⁷⁷ "Publicity, A Weekly, Barred From Mails," *New York Times*, 8 May, 1942; Sweeney, *Secrets of Victory*, *op. cit.*, 78.

²⁷⁸ Washburn, *A Question of Sedition*, *op. cit.*, 122; *Espionage Act of 1917*, *op. cit.*, 230.

²⁷⁹ Washburn, *A Question of Sedition*, *op. cit.*, 60.

²⁸⁰ William H. Walsh, Acting Chief of Press and Pictorial Section, to all censorship stations, November 22, 1943; "43: CR" folder ("43: CR"); Box 77; ASF; RG 216; NACP.

²⁸¹ Assigned Daily Metropolitan Newspapers; "43: CR"; Box 77; ASF; RG 216; NACP.

Sometimes, black newspapers were involved in post office censorship. A post office in Cleveland, Illinois, delayed an issue of the *New Negro World* for one month during its investigation of the legality of an article inciting blacks to capture their African homelands and criticizing the British rule of India.²⁸² A post office in Washington, D.C., blocked two issues of the *Pittsburg Courier* for saying that the morale of blacks was low and that the injustices against blacks in America were similar to the evils perpetuated by Germany.²⁸³ Another example of a post office blocking an issue of a publication from the mail, but not involving a member of the black press, occurred with *The Galilean* (before the government prosecuted its editor) when it had an article that praised the Axis powers for waging war on America.²⁸⁴

The situation for war correspondents on the battlefield was quite similar to that of World War I. The military allowed a total of 1,646 correspondents into the war zones²⁸⁵ and subjected the correspondents to the same flexible rules of voluntary censorship.²⁸⁶ Correspondents, therefore, could not report information that was inaccurate or that could help the enemy, embarrass the United States or her allies, or injure the morale of U.S. troops, citizens, or allies. As in World War I, there were other rules for correspondents that were not in the rules for the domestic press, as this thesis discusses later.

Through a system of review, the military censored all press dispatches and communications to and from war zones. As examples of censorship, General Douglas MacArthur suppressed information that did not present him or his forces in a flattering

²⁸² Washburn, *A Question of Sedition*, *op. cit.*, 124-125.

²⁸³ *Ibid.*, 122-123.

²⁸⁴ Washburn, *A Question of Sedition*, *op. cit.*, 120.

²⁸⁵ Stein, *Under Fire*, *op. cit.*, 94.

²⁸⁶ War Department, *Regulations for Correspondents Accompanying U.S. Army Forces in the Field* (Washington, D.C.: GPO, 1942), 6.

light and forbade reports on casualties unless correspondents described them as “light,” “low,” or with a similar adjective (although these examples were General Eisenhower’s personal directives to members of the press, not military policies).²⁸⁷ Also, General Dwight Eisenhower suppressed reports that General George Patton slapped two U.S. soldiers who were shell-shocked and called them cowards.²⁸⁸ The military censored photographs from the front lines, especially photographs that could give military information or that the Axis powers could use for propaganda. At the start of war, the military prohibited the publication of photos that showed dead U.S. soldiers because officials feared that this would hurt public opinion for the war.²⁸⁹ Officials later relaxed this rule toward the end of 1943, however, to encourage Americans that they should make sacrifices like the soldiers were doing.²⁹⁰

In all, the government and military controlled the press less than in World War I, despite the fact that the government and military had the power to implement nearly all the same broad controls.²⁹¹ For instance, the government rarely withheld second class mailing permits or tried to prosecute publications in court, and the military gave the press more access to cover war operations. However, the press was subject to the Espionage and Smith Acts. Also, the government and military censored press dispatches, and the military still imposed some limits on access to the battlefield. And, as this thesis is about to describe in more detail, the domestic press and war correspondents had to deal with rules of voluntary censorship. But outside of these controls, the press was free to print

²⁸⁷ Frederick S. Voss, *Reporting the War: The Journalistic Coverage of World War II* (Washington, D.C.: Smithsonian Institution Press for the National Portrait Gallery, 1994), 30.

²⁸⁸ Knightley, *First Casualty*, *op. cit.*, 350.

²⁸⁹ Roeder, *The Censored War*, *op. cit.*, 8.

²⁹⁰ Roeder, *The Censored War*, *op. cit.*, 10, 11, 15; War Department, Regulations for Correspondents, *op. cit.*, 8.

²⁹¹ Chafee, *Government and Mass Communications*, *op. cit.*, 450.

whatever it wanted. Officials in the OC pledged to never censor opinions or criticism of government officials.²⁹² Again, just as in World War I, nearly all members of the press (publications and radio stations alike) usually agreed with the requests of the government to keep certain information secret.²⁹³ This included the majority of the press that opposed the election and many of the policies of President Roosevelt.²⁹⁴

A. Information that the Government, Military, and Press Agreed Could Violate National Security

On January 15, 1942, the OC issued two documents that listed the types of information that the government did not want the press to report.²⁹⁵ One of the documents was called the *Code of Wartime Practices for the American Press* (i.e. for print journalists) and the other was called the *Code of Wartime Practices for American Broadcasters* (i.e. for radio broadcasters). As with the CPI rules in World War I, following the OC codes was voluntary.²⁹⁶ The types of information listed in the two documents were essentially the same,²⁹⁷ and both documents asked the press, in a general

²⁹² The Ten Cardinal Principles of Voluntary Press Censorship; “Press Regulations” folder; Box 886; ASF; RG 216; NACP.

²⁹³ “Censorship Code Meets Approval,” *New York Times*, 16 January 1942.

²⁹⁴ Koop, *Weapon of Silence*, *op. cit.*, 163.

²⁹⁵ Code of Wartime Practices for the American Press, January 15, 1942 (Code for Press: Jan. 15, 1942); “Press Regulations” folder (“Press Regs.”); Box 886; ASF; RG 216; NACP; Code of Wartime Practices for American Broadcasters (Code for Broadcasters: Jan. 15, 1942), January 15, 1942; “Revisions to Broadcast Code” folder (“Revisions to Code”); Box 884; ASF; RG 216; NACP.

²⁹⁶ The OC, however, would write letters to members of the press when they broke the codes asking them to be more careful. One time, Byron Price issued a press release identifying a newspaper as a violator of the code for print journalists. The *Philadelphia Daily News* had reported that a Soviet diplomat named V.M. Molotov was in America to have a secret meeting with President Roosevelt over matters of “vast importance.” This disclosure violated the rule to not report the “movements of... diplomatic missions of the United States.” Byron Price’s press release read, “The one newspaper in which the story was published was the *Philadelphia Daily News*,” while all the other U.S. papers “performed magnificently in withholding [the] information.” See Press Release by Byron Price, June 12, 1942; “Molotov” folder (“Molotov”); Box 563; ASF; RG 216; NACP; “Observations,” *Philadelphia Daily News*, June 6, 1942; “Molotov”; Box 563; ASF; RG 216; NACP; *Sweeney, Secrets of Victory*, *op. cit.*, 61-62.

²⁹⁷ Agreement Between the Office of War Information and the Office of Censorship Concerning Matters in which the Two Agencies Have Related Responsibility, November 15, 1942, p. 2; “OC-OWI Agreement” folder; Box 108; ASF; RG 216; NACP.

sense, not to report anything of value to the enemy.²⁹⁸ The OC issued a separate document to radio broadcasters mainly to explain that they had to be more careful than print journalists in reporting news because radio frequencies go directly across the ocean to enemy nations (worse came to worst, the OC was able to censor publications meant for export).²⁹⁹ German ships and submarines, after all, would listen to U.S. radio stations off the U.S. coast.³⁰⁰

OC Director Price estimated that 99.99 percent of the press agreed with the codes after the OC first issued them.³⁰¹ Undoubtedly, there was a high level of support from large publications and radio stations as well as from small ones. William Randolph Hearst, who opposed the rules of the CPI in World War I, embraced the new restrictions.³⁰² The *New York Times* said that there was nothing in the code that it would have changed,³⁰³ while the *Washington Post* said that the OC “commendably designed [the rules] to assure minimum interference” with wartime reporting.³⁰⁴ Many newspaper associations arranged for the OC to provide classroom instruction to members of daily and weekly papers on how to abide by the code. These members then volunteered as “missionaries” of the OC to educate other papers around the country about the rules.³⁰⁵

The National Broadcasting Company (NBC), the Columbia Broadcasting System (CBS), and the Mutual Broadcasting System (MBS) were also in agreement with the OC.

²⁹⁸ Code for Press: Jan. 15, 1942, p. 1; “Press Regs.”; Box 886; ASF; RG 216; NACP; Code for Broadcasters: Jan. 15, 1942, p. 2; “Revisions to Code”; Box 884; ASF; RG 216; NACP.

²⁹⁹ Code for Broadcasters, p. 1; “Revisions to Code”; Box 884; ASF; RG 216; NACP.

³⁰⁰ Sweeney, *Secrets of Victory*, *op. cit.*, 84.

³⁰¹ “Censorship Code Meets Approval,” *New York Times*, *op. cit.*

³⁰² Sweeney, *Secrets of Victory*, *op. cit.*, 65.

³⁰³ Edwin L. James, Managing Editor of the *New York Times*, to Byron Price, Director of the OC, October 11, 1943; “Revisions to Press Code: Dec. 1943” folder (“Revisions: Dec. 1943”); Box 886; ASF; RG 216; NACP.

³⁰⁴ “Press Code,” *Washington Post*, 19 January 1942.

³⁰⁵ Michael S. Sweeney, “Censorship Missionaries of World War II,” *Journalism History* 27, no. 1 (Spring 2001): 8-9.

These radio networks said, respectively, that the radio code was “common sense,” “reasonable and intelligent,” and “reveal[ed] sound judgment.”³⁰⁶ The National Association of Broadcasters (NAB) even issued its own guidelines for reporting, which were very similar to those found in the radio code.³⁰⁷

The *Cleveland Plain Dealer* was one member of the press that disliked the codes. Its editor said that the code for print journalists allowed the government to misinform the public and that journalists were old enough to know what to print.³⁰⁸ The *Bismarck Tribune* feared that the OC would use the code to prevent the public from learning about the performance of the government or military in the war.³⁰⁹ Also, *Time* magazine disapproved of one of the rules in the code, which was to have no premature disclosures of diplomatic negotiations or conversations. *Time* said that this rule was ridiculous, encouraged secret diplomacy, and threatened to violate it (though *Time* never did).³¹⁰ At least one weekly paper seemed somewhat indifferent to the code, as the editor said, “Tell the censors I’ll do what they want, but I won’t answer their damned letters.”³¹¹

The OC actually revised its codes four times during the war in response to new concerns.³¹² The codes heavily drew from the rules created by the CPI years earlier³¹³ and therefore asked the press for silence on such things as the location, number, and movement of troops or ships; statistics on critical war supplies; the locations of

³⁰⁶ “Censorship Code Applied to Radio,” *New York Times*, 17 January 1942.

³⁰⁷ The National Association of Broadcasters (NAB) Wartime Guide, December 18, 1941; A History of the Office of Censorship, Volume 2 (HOC, Vol. 2); Box 1; HOC; RG 216; NACP.

³⁰⁸ “U.S. Rules on Censorship Criticized,” *San Francisco Chronicle*, November 10, 1943; “Complaints Re Press Censorship: C” folder; Box 384; ASF; RG 216; NACP.

³⁰⁹ Kenneth W. Simons, Editor of the *Bismarck Tribune*, to Byron Price, Director of the OC, February 16, 1942; “War Info” folder; Box 147; ASF; RG 216; NACP.

³¹⁰ Sweeney, *Secrets of Victory*, *op. cit.* 65-66.

³¹¹ Koop, *Weapon of Silence*, *op. cit.*, 171.

³¹² Sweeney, *Secrets of Victory*, *op. cit.*, 41.

³¹³ HOC, Vol. 2, p. 12; Box 4; HOC, RG 216; NACP.

fortifications and fixed land defenses in the United States; enemy rumors; new or secret military weapons/materials; the time of departures for merchant ships; the cargoes of the ships; location and number of mine fields and other harbor defenses; secret orders or other secret instructions regarding lights, buoys, and other guides to navigators; movement or number of fighter planes; and the activities on dry docks.³¹⁴

A few things in the first edition of the codes, however, were new since World War I. One was the request of the OC not to report information on the weather in places in the United States. This included temperatures, barometric pressures, winds, and any forecasts.³¹⁵ The reason for such secrecy was that the enemy could use this information to plan the best places and times to attack the United States or U.S. ships along the coast (weather information would have been particularly useful for German submarines).³¹⁶

The other things that were new in the codes were the requests not to reveal details of the damage that the enemy inflicted on military targets in the United States (including docks, railroads, and commercial airports), any information on the movement of the President or ranking military officers, details of the production of war materials (e.g. production schedules), the location of bomb shelters, the location of new factories for war materials, new factory designs for war production, information on the transportation of munitions or

³¹⁴ Code for Press: Jan. 15, 1942, p. 2-4; "Press Regs."; Box 886; ASF; RG 216; NACP; Code for Broadcasters: Jan. 15, 1942, p. 2-3; "Revisions to Code"; Box 884; ASF; RG 216; NACP.

³¹⁵ Code for Press: Jan. 15, 1942, p. 3; "Press Regs."; Box 886; ASF; RG 216; NACP; Code for Broadcasters: Jan. 15, 1942, p. 2; "Revisions to Code"; Box 884; ASF; RG 216; NACP.

³¹⁶ Sinkings in the St. Lawrence: Notes on the Publication of News Stories, May 11, 1942, p. 4; "Confidential Notes to Editors" folder ("Confidential Notes"); Box 146; ASF; RG 216; NACP; Outline that provides the rationale for rules contained in the code books (under "Weather", p. 6); "Confidential Notes"; Box 146; ASF; RG 216; NACP.

other war materials through the United States (e.g. oil tank cars and trains), and the new locations of national archives, art treasures, and so on.³¹⁷

Also, there were a few rules in the first edition of the code for radio broadcasters that were not in the one for print journalists. These rules included no disclosures of experiments with war equipment or materials,³¹⁸ the number of enlistments for the military, and any information on new international points of communication.³¹⁹ As mentioned above, the government needed more precautions for the radio.

³¹⁷ Code for Press: Jan. 15, 1942, p. 4; “Press Regs.”; Box 886; ASF; RG 216; NACP; Code for Broadcasters: Jan. 15, 1942, p. 4; “Revisions to Code”; Box 884; ASF; RG 216; NACP.

³¹⁸ However, the second and third editions of the code for print journalists included this rule. See Code of Wartime Practices for the American Press, June 15, 1942, p. 4 in HOC, Vol. 2; Box 4; HOC; RG 216; NACP; Code of Wartime Practices for the American Press, December 1, 1943, p. 3 (Code for Press: Dec. 1, 1943); “Revisions to Press Code—Dec. ‘43” folder (“Revisions—Dec. ‘43”); Box 886; ASF; RG 216.

³¹⁹ Code for Broadcasters: Jan. 15, 1942, p. 3; “Revisions to Code”; Box 884; ASF; RG 216; NACP.

Later editions of both codes listed several more types of information that would be of value to the enemy, including:

- plans of defense against enemy attacks on the homeland
- counter measures to enemy attacks on homeland
- the sinking or damaging of U.S. war or merchant ships³²⁰
- future military operations³²¹
- details on the identity, confinement, or movement of prisoners of war (POW's) or enemy aliens in internment camps
- operations and methods of U.S. intelligence or counterintelligence
- secret war plans
- diplomatic negotiations concerning military operations
- secret detection devices³²²
- secret Allied systems of communication³²³
- details on the enemy's codes of communication that the United States has broken
- details on intercepted enemy messages³²⁴
- location of civilian defense communication control centers³²⁵
- floor plans or arrangement of war production plants³²⁶
- in reports of forest fires: descriptions of danger areas, weather conditions, activity or methods of saboteurs, organization or placement of special guards, damage or threat of damage to military objectives, or extent of smoke clouds
- information concerning the use of secret inks or chemicals or detection of these³²⁷
- movement of diplomatic exchange ships under direction of the State Department³²⁸

The OC included the above types of information because of its experiences with the press after the first edition of the codes,³²⁹ and this thesis describes several of these experiences later.

³²⁰ Code of Wartime Practices for the American Press, December 1, 1943, p. 3 (Code for Press: Dec. 1, 1943); "Revisions to Press Code—Dec. '43" folder ("Revisions—Dec. '43"); Box 886; ASF; RG 216; NACP; Code of Wartime Practices for American Broadcasters, December 1, 1943 (Code for Broadcasters: Dec. 1, 1943), in Grover, "Radio Censorship in Wartime," *op. cit.*, 156.

³²¹ Code for Press: Dec. 1, 1943, p. 2; "Revisions—Dec. '43"; Box 886; ASF; RG 216; NACP.

³²² Code for Press: Dec. 1, 1943, p. 6; "Revisions—Dec. '43"; Box 886; ASF; RG 216; NACP; Code for Broadcasters: Dec. 1, 1943, in Grover, "Radio Censorship in Wartime," *op. cit.*, 158.

³²³ Code for Broadcasters: Dec. 1, 1943, in Grover, "Radio Censorship in Wartime," *op. cit.*, 158.

³²⁴ Code of Wartime Practices for American Broadcasters, February 1, 1943 (Code for Broadcasters: Feb. 1, 1943), in Grover, "Radio Censorship in Wartime," *op. cit.*, 147.

³²⁵ Code for Broadcasters: Feb. 1, 1943, in Grover, "Radio Censorship in Wartime," *op. cit.*, 145.

³²⁶ *Ibid.*, 146.

³²⁷ *Ibid.*, 147.

³²⁸ Code for Broadcasters: Dec. 1, 1943, in Grover, "Radio Censorship in Wartime," *op. cit.*, 155.

³²⁹ Code for Press: Dec. 1, 1943, p. 1; "Revisions—Dec. '43"; Box 886; ASF; RG 216; NACP.

The military, in addition to its flexible rules of voluntary censorship for war correspondents (e.g. the ban on inaccurate information), had a couple other rules that were not in the OC codes. These rules included bans on the effects of enemy fire on targets in the war zones and exaggerations of military activities. These were some of the same rules that the military had for correspondents in World War I.

As in World War I, the rules of voluntary censorship for the domestic press and war correspondents largely protected the military. For example, rules banned mention of the movement of fighter planes and secret military weapons. But there were many more rules in World War II than in World War I that protected U.S. civilians and the homeland. In World War I, the only rules that protected civilians or the homeland were the ones that prohibited the release of information about harbor defenses, the location of fixed land defenses in the United States, and the times of the departures of merchant ships. In World War II, the rules banned these things, in addition to discussion of plans of defense against enemy attacks on the homeland; countermeasures to such enemy attacks; weather forecasts; the locations of bomb shelters, new factories for war materials, civilian defense communication control centers, national archives, art treasures, and so on; the movement of munitions or other war materials through the United States; etc. Again, America was under threat of attacks by enemy planes, submarines, and saboteurs.

Also, compared to World War I the rules provided greater protection for the diplomatic efforts of the government. The rules in World War I simply protected official missions in transit through the country, while in World War II the rules banned the release of all information on diplomatic negotiations concerning military operations and the movement of diplomatic exchange ships under direction of the State Department. In

both World War I and World War II, however, the rules provided a similar level of protection for the president. In World War I, the press could not discuss assassination plots against the president or the activities of the Secret Police, while in World War II the government banned the press from disclosing all movements of the president.

B. Other Information that the Government Wanted Secret

The OC codes covered nearly every type of information that the government wanted secret. However, one thing that the codes did not cover, as the CPI's rules of censorship failed to in World War I, was information on the methods of censoring mail.³³⁰ As touched on earlier, the censors scanned for the types of information included in the codes as well as things like enemy propaganda or anything else that "might directly or indirectly bring aid...to the enemy."³³¹ But censors also looked for indications of secret writing and codes.³³² Secret writing could take the form of scratch marks ("Hold the letter slantwise to the light just below eye-level") or invisible ink on letters, envelopes, or behind stamps. Censors inspected post cards for the same things, and also looked for signs that enemies inserted a message(s) in between layers of the cards.³³³

Codes could take many forms, including, among others, music symbols, bridge problems, patterns of words (e.g. every fifth word), and even pin pricks around letters.³³⁴ Members of the OC collected the secret communications of enemies that it found and

³³⁰ N.V. Carlson, Chief Postal Censor, to Edward Kuntz, Counselor at Law, March 26, 1943; "A-F" folder; Box 87; ASF; RG 216; NACP.

³³¹ U.S. Postal Censorship Regulations (U.S. PCR), p. 3; HOC, Vol. 1; Box 1; HOC; RG 216; NACP.

³³² U.S. PCR, p. 2; HOC, Vol. 1; Box 1; HOC; RG 216; NACP.

³³³ Censorship Regulations, U.S. Navy, 1941 (Censor Regs., Navy), Appendix A; "Cable and Radio Regulations" folder ("C and R Regs."); Box 884; ASF; RG 216; NACP.

³³⁴ Censor Regs., Navy, Appendix B; "C and R Regs."; Box 884; ASF; RG 216; NACP.

shared this information with the Federal Bureau of Investigation (FBI).³³⁵ This sharing of information actually helped lead to the capture of several German spies operating in America, including, among others, Kurt Frederick Ludwig (“Joe K”) and Count Wilhelm Albrecht von Rautter.³³⁶ Also, it was secret that mail censors only censored a small percentage of the total mail because there was so much of it. They did this by sampling and with the aid of a watch list.³³⁷

During the war, there were several notable examples of the types of information included in the *Codes of Wartime Practices*. Many of these examples were military weapons. One weapon was the atomic bomb, which members of the OC considered to be the best kept secret of the war.³³⁸ Byron Price sent a confidential letter to editors and broadcasters throughout the United States asking that they make no reference to experiments with “atom smashing, atomic energy, atomic splitting...” or to experiments with radioactive materials, radium, uranium, and other such things.³³⁹ The government did not want the Axis powers to know about any progress that the United States was having in building such a bomb.³⁴⁰ The government even wanted the places that scientists and workers were building the bomb to remain secret, such as Oak Ridge, Tennessee, and Pasco, Washington.³⁴¹ Also, the government covered up the first testing of the atomic bomb in Los Alamos, New Mexico, in 1945.³⁴²

³³⁵ Koop, *Weapon of Silence*, *op. cit.*, 77, 80.

³³⁶ *Ibid.*, 77-91.

³³⁷ *Ibid.*, 6, 8, 48.

³³⁸ *Ibid.*, 272-73. However, as this thesis discusses later, members of the press did leak a few things about it.

³³⁹ Jack Lochart to N.R. Howard, June 29, 1943; “Confidential Notes to Editors: June 1943” folder (“Confidential Notes to Editors: ‘43”); Box 146; ASF; RG 216; NACP.

³⁴⁰ Patrick S. Washburn, “The Office of Censorship’s Attempt to Control Press Coverage of the Atomic Bomb During World War II,” *Journalism Monographs* 120 (1990), 33.

³⁴¹ *Ibid.*, 4. These locations were so secret that Senator Harry S. Truman, who would later become the president, could not even enter the factories that were working on the bomb. When a curious Senator

Another secret weapon was radar.³⁴³ The government allowed the release of certain information about it, such as the fact that it bounces radio waves off of objects to detect them and that the Allies often used it to fight the enemy.³⁴⁴ But the OC asked the press not to leak “new methods of applying [radar]...” to warfare or in experiments.³⁴⁵ As an example of a new method of applying radar, the government equipped planes with radar to hunt down German submarines and sink them when they rose to the surface.³⁴⁶ These types of planes also attacked Japanese ships crossing the Pacific Ocean at night, when they could not effectively retaliate.³⁴⁷ In addition to the atomic bomb and radar, other weapons that the government wanted secret included, among others, the 41-ton howitzer that had a 10 mile range, the radio detonator that worked up to 20 miles away,³⁴⁸ and the proximity fuze [*sic*], which would set off a bomb when it was a given distance from a target for maximum impact.³⁴⁹

A notable example of a secret military plan was the one for the invasion of Normandy in France (a.k.a. D-Day). When the Allies decided to conduct this invasion, they believed that it would be the only opportunity to invade Europe. The invasion

Truman tried to get in a factory one time, the workers there refused to let him in and told him they were making bubble gum. See HOC, Vol. 2, p. 161; Box 4; HOC; RG 216; NACP.

³⁴² Ibid., 25-6.

³⁴³ Byron Price, Director of the OC, to Editors and Broadcasters, July 29, 1943 (Price to Editors and Broadcasters); “Confidential Notes to Editors: ‘43’”; Box 146; ASF; RG 216; NACP.

³⁴⁴ HOC, Vol. 2, p. 106-07; Box 1; HOC; RG 216; NACP.

³⁴⁵ Price to Editors and Broadcasters; “Confidential Notes to Editors”; Box 146; ASF; RG 216; NACP; HOC, Vol. 2, p. 110; Box 1; HOC; RG 216; NACP.

³⁴⁶ Henry Guerlac and Marie Boas, “The Radar War Against the U-Boat,” *Military Affairs* 14, no. 2 (Summer, 1950): 103-05.

³⁴⁷ David E. Fisher, *A Race on the Edge of Time: Radar—The Decisive Weapon of World War II* (New York, NY: McGraw-Hill Book Company, 1988), 280.

³⁴⁸ Elton C. Fay, “Army Lists Weapon Secrecy In Contempt of Foe Near Defeat,” *Washington Post*, April 13, 1945; “Misc. Weapons Sept. 1944” folder; Box 488; ASF; RG 216; NACP.

³⁴⁹ Bernard Brodie, “Military Demonstration and Disclosure of New Weapons,” *World Politics* 5, no. 3 (Apr., 1953): 295. This weapon was so secret that many officers in the Navy did not know about it and members of the OC knew very little. Also, the Navy used the fuze sparingly against the enemy so that he had less of a chance of figuring out what was hitting him. Also see Koop, *Weapon of Silence*, *op. cit.*, 272.

would require an enormous number of resources and soldiers, so the stakes were extremely high.³⁵⁰ The government knew that the Axis powers expected an invasion, but asked the press to never disclose its time or place or the strength of the invasion forces. Byron Price even said that keeping D-Day secret was the “greatest single responsibility” facing members of the press and offered them a piece of advice: “...take no chances.” Allied commanders were actually involved in elaborate plans to deceive Germany about the invasion.³⁵¹ For instance, the commanders used radio signals, double agents, and deceptive diplomacy to make Germany think that the Allies might invade Europe through the Mediterranean, Scandinavia, or Pas de Calais, France.³⁵² The commanders also tricked Germany into thinking the Allies would attack later than they did by spreading rumors of shortages of soldiers and landing craft.³⁵³

A notable example of countermeasures taken against the enemy that the government wanted secret was the methods of avoiding or destroying German U-boats. As in World War I, U-boats attacked U.S. and Allied ships. In February of 1942 alone, the United States lost 83 merchant ships crossing the Atlantic Ocean.³⁵⁴ The OC asked the press to keep the methods secret “with great vigilance.”³⁵⁵ Some methods included

³⁵⁰ Obnoxiously, German Chancellor Adolf Hitler even said, in reference to an Allied invasion of Europe, “...once the landing has been defeated it will under no circumstances be repeated.” See Jon Latimer, *Deception in War* (New York, NY: The Overlook Press, 2001), 206.

³⁵¹ Byron Price, Director of the OC, to Editors and Broadcasters, January 19, 1944; “Invasion Controls: June 1944” folder (“Invasion Controls”); Box 147; ASF; RG 216; NACP.

³⁵² Charles Cruickshank, *Deception in World War II* (New York, NY: Oxford University Press, 1979), 96.

³⁵³ *Ibid.*, 95.

³⁵⁴ Guerlac and Boas, “The Radar War Against the U-Boat,” *op. cit.*, 102.

³⁵⁵ Byron Price, Director of the OC, to Managing Editors, June 17, 1943; “Confidential Notes to Editors: ‘43””; Box 146; ASF; RG 216; NACP. The OC was perhaps remembering the article in the *San Francisco Examiner* from World War I that disclosed how the United States fought and avoided German U-boats. Not only could revelations about the methods of destroying U-boats have helped the Germans, but such revelations could have also given the Japanese ideas about how to attack U.S. submarines in the Pacific Ocean. Also see Headquarters of the Commander in Chief, Navy Department, to the OC; “Confidential Notes to Editors: ‘43””; Box 146; ASF; RG 216; NACP.

breaking coded messages going from German command centers to individual U-boats,³⁵⁶ the use of more battleships to serve as protection for traveling merchant ships, and, as described above, radar-assisted airplane attacks.³⁵⁷

C. When the Government or Military Got Upset with Members of the Press

In World War II, the government or military criticized members of the press for security violations several times. One time occurred days before the attack on Pearl Harbor. The *Chicago Tribune* released an article titled “F.D.R.’s War Plans!” that described the secret plans of the U.S. military to fight the Axis powers.³⁵⁸ The article stressed the fact that the United States did not have enough troops, equipment, or military bases to launch offensive operations. For instance, the article said that the only U.S. troops that could fight were “small army contingents” and that the United States would need access to 120 more military bases to effectively bomb Germany. The article also said that the U.S. military was preparing to launch offensive operations by raising an army of 10 million men, sending at least 4,500 ships of war materials to Europe per year, and building more military bases around Europe (“one [of the bases will be] at the foot of the Red Sea and...[another will be]...at the head of the Persian Gulf”).³⁵⁹

The article went on to discuss the limited number of ways that U.S. officials said that they could fight the Axis powers. For instance, the article said that the United States could fight Japan by imposing an economic blockade, conducting air raids, defending

³⁵⁶ David Syrett, “Communications Intelligence and the Sinking of the U-1062: 30 September 1944,” *Journal of Military History* 58, no. 4 (Oct., 1994): 688.

³⁵⁷ B.B. Schofield, “The Defeat of the U-Boats during World War II,” *Journal of Contemporary History* 16, no. 1 (Jan., 1981): 127-8.

³⁵⁸ Winfield, *FDR and the News Media*, *op. cit.*, 178.

³⁵⁹ Chesly Manly, “F.D.R.’s War Plans!,” *Chicago Tribune*, 4 December 1941.

Malaysia and Siberia from Japanese conquest, and by orchestrating a Chinese offensive against Japan. The article went on to say that, as for Germany and the other Axis powers, the United States could, among other things, arm the nations currently fighting them, send members of the U.S. air force to fight with the British military, and support subversive activities in the lands that the Axis powers had already conquered. The article also declared that U.S. officials planned to invade Axis-controlled Europe anytime after July 1, 1943 (this was the date that U.S. officials believed the military would be ready to launch offensive operations). The article said the invasion would consist of five million men, begin in Norway, and involve 7,000 bombers attacking Germany from military bases in the British Isles and Middle East.³⁶⁰

The *Tribune* justified the article by saying that because the government would be fighting the Axis powers alongside the communist Soviet Union, the war plans showed that President Roosevelt was pro-communist.³⁶¹ Secretary of War Henry Stimson said that the article could become a “source of impairment and embarrassment to our national defense.”³⁶² Secretary of Navy Frank Knox added that the article was a blatant “disregard of national security.”³⁶³ Interestingly, the Japanese attacked America three days after the *Tribune* published the article, although U.S. officials never tried to prove a direct connection between the two events. Attorney General Biddle and President Roosevelt wanted to charge the paper with violating the Smith Act. However, the

³⁶⁰ Ibid. In response to the *Tribune* article, German officials criticized the U.S. war plans as “worked out...by some crazy general” and said, “We calmly await July 1, 1943.” See “‘Fantastic’ Story, Says Berlin,” *New York Times*, 5 December 1941.

³⁶¹ Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 680.

³⁶² “Stimson Assails Telling War Plan,” *New York Times*, 6 December 1941.

³⁶³ Washburn, *A Question of Sedition*, *op. cit.*, 71.

indictment failed because the military refused to reveal any additional information about the war plans during court proceedings.³⁶⁴

Months later, members of the government and military again got extremely upset with the *Chicago Tribune* when it published its article called “Navy Had Word of Jap Plan to Strike At Sea,” which implied that the United States broke Japan’s code of communication. The article said that U.S. Navy officials knew that Japan was going to have a surprise attack on U.S. controlled Midway Island³⁶⁵ as well as the strength of the Japanese forces that would be attacking. For instance, the article mentioned U.S. officials knew that the striking force would include “[f]our aircraft carriers,” “2 battleships...with 14 inch guns,” “2 cruisers of the Tone class,” and 12 destroyers.³⁶⁶

The article also said that U.S. Navy officials knew the Japanese would fake an attack on Dutch Harbor before attacking Midway Island. In addition to this revelation, the article said that U.S. Navy officials, with all of their “advanced information,” ordered many of the U.S. battleships in the area to report to Midway Island before the Japanese arrived and even launched air raids on the Japanese ships en route there.³⁶⁷ Any Japanese spy in America “worth a lick” would have read the article and concluded that the U.S. Navy knew all these details because it had broken Japan’s code of communication.³⁶⁸

Immediately after the publication of the article, President Roosevelt wanted the military to seize control of the Tribune Tower, where the *Tribune* had its headquarters.³⁶⁹

Surely, aside from his concerns over security Roosevelt sought political revenge against

³⁶⁴ Winfield, *FDR and the News Media*, *op. cit.*, 178-79.

³⁶⁵ Navy officials intercepted and decoded a message from Japanese officials in Tokyo to a Japanese naval commander that said, among other things, “invade and occupy strategic points in...Midway Island.”

³⁶⁶ “Navy Had Word of Jap Plan to Strike at Sea,” *Chicago Tribune*, 7 June 1942.

³⁶⁷ *Ibid.*

³⁶⁸ Larry J. Frank, “The United States Navy v. the Chicago Tribune,” *Historian* 42 (February 1980): 285; Sweeney, *Secrets of Victory*, *op. cit.*, 80.

³⁶⁹ Smith, *War and Press Freedom*, *op. cit.*, 148.

the *Tribune*, as the paper constantly criticized his policies.³⁷⁰ Nevertheless, Secretary of Navy Knox wanted the government to charge the *Tribune* with violating the Espionage Act,³⁷¹ while Admiral Charles Cooke said that the editor of the *Tribune* was a traitor who “we’re going to hang...”³⁷² On top of these things, other U.S. officials wanted to banish most U.S. correspondents from the war zones, especially the correspondents covering naval operations.³⁷³

In response to all of this pressure, the Department of Justice (DOJ) indicted the *Tribune* for violating the Espionage Act.³⁷⁴ There were many articles in the press about this indictment.³⁷⁵ U.S. Navy officials believed that Japan had to have become well aware of the breaking of the code and would change it.³⁷⁶ U.S. Navy officials also believed that the article could lead to new efforts by Japan to break U.S. codes of communication, because Japan would know that such an accomplishment was possible (Japan had previously given up on breaking U.S. codes).³⁷⁷ The OC revised its codes of wartime practices to include a provision about not disclosing information on the enemy’s code or the movement of the enemy’s military forces.³⁷⁸ As mentioned earlier, however, Japan did not pick up on the article³⁷⁹ or substantially change its code,³⁸⁰ so the DOJ dropped the indictment.³⁸¹

³⁷⁰ Sweeney, *Secrets of Victory*, *op. cit.*, 50.

³⁷¹ Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 665.

³⁷² *Ibid.*, 678

³⁷³ Sweeney, *Secrets of Victory*, *op. cit.*, 80.

³⁷⁴ Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 665.

³⁷⁵ *Ibid.*, 667-68.

³⁷⁶ Frank, “The U.S. Navy v. the Chicago Tribune,” *op. cit.*, 290.

³⁷⁷ Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 668-69. The U.S. Navy even changed its code of communication as a precaution.

³⁷⁸ Code for Broadcasters: Feb. 1, 1943, in Grover, “Radio Censorship in Wartime,” *op. cit.*, 147; Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 668.

³⁷⁹ The reason that Japanese officials never caught on to the article remains a mystery, especially given that the U.S. press widely discussed the indictment against the *Tribune*. However, one hypothesis is that Japanese officials were so confident that other countries could never break Japan’s code that the officials

The *New Republic* magazine published another article that angered the government and military, which the magazine titled “Concentration Camp: U.S. Style.” Ted Nakashima, a Japanese-American, wrote the article from his internment camp in Portland, Oregon.³⁸² Among other things, he described the poor living conditions in the camp. Nakashima said,

We have absolutely no fresh meat, vegetables [,] or butter since we came here... [there is] [m]ilk only for the kids. Coffee or tea dosed with saltpeter and stale bread are the adults’ staples. [We have to deal with] [d]irty, unwiped dishes, greasy silver, a starchy diet...wet mud that stinks when it dries—...sad thing[s] for... [my] people...³⁸³

Director Byron Price and Admiral A.D. Surles both thought that the criticism was unfair and could actually risk the health and lives of U.S. soldiers captured by Japan.³⁸⁴ In a letter to the editor of the *New Republic*, Director Price explained that Japanese officials had promised the U.S. government “reprisals on the thousands of Americans in internment camps in Japan and China” if the U.S. government ever hurt Japanese persons under its control. Director Price asked the editor of the *New Republic* to never print such stories again,³⁸⁵ and he graciously agreed.³⁸⁶

never bothered looking for signs that the United States had broken it. See Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 668.

³⁸⁰ Goren, “Communication Intelligence and the Freedom of the Press,” *op. cit.*, 670.

³⁸¹ Stanley Johnson, the author of the *Tribune* article, most likely got the information for his article by reading a classified naval document. According to historian Larry Frank, Johnson did in fact violate the Espionage Act because he intentionally reported secret information that could hurt national security. See Frank, “The U.S. Navy v. the Chicago Tribune,” *op. cit.*, 286-87, 302.

³⁸² President Roosevelt issued Executive Order No. 9066 in 1942, which forced many Japanese-Americans to live in internment camps. Government officials had feared that these Americans would aid Japan in fighting the United States. See Takeya Mizuno, “Journalism Under Military Guards and Searchlights: Newspaper Censorship at Japanese American Assembly Camps during World War II,” *Journalism History* 29, no. 2 (Fall 2003): 98.

³⁸³ “Concentration Camp: U.S. Style,” *New Republic*, June 15, 1942; “Misc. Domestic Condemned” folder (“Misc. Dom. Condemn”); Box 84; ASF; RG 216; NACP.

³⁸⁴ Admiral A.D. Surles to Byron Price, Director of the OC, June 18, 1942; “Misc. Dom. Condemn”; Box 84; ASF; RG 216; NACP.

³⁸⁵ Byron Price, Director of the OC, to Bruce Bliven, Editor of the *New Republic*, June 22, 1944; “Misc. Dom. Condemn”; Box 84; ASF; RG 216; NACP.

A small town paper in Indiana called *Tell City News* angered the government and military with its article titled “Clark Township Men on Ill-fated *Wasp*.”³⁸⁷ This article described the Japanese sinking of a U.S. aircraft carrier named the *Wasp*. The article said that three torpedoes from Japanese submarines badly damaged the carrier and that it ended up sinking when a fire started and set off many of the explosives on board. The article read, “the...*Wasp*... [has been at] the bottom of the Southwest Pacific... [near] the Solomon Islands... [since] September 15 [, 1942].” In addition to these things, the article mentioned that the U.S. Navy lost all of the planes stationed on the carrier except for eight of them.³⁸⁸

The U.S. Navy believed that the Japanese submarines left the scene of the attack on the *Wasp* before they could see it sink and wanted the Japanese to remain unaware of their success.³⁸⁹ The Navy had relied heavily on the *Wasp* for military operations,³⁹⁰ especially because at the time there were only two other U.S. aircraft carriers in the Pacific.³⁹¹ In reaction to the article, the OC asked other papers near the headquarters of *Tell City News* to not print any more stories on the sinking.³⁹² The rationale of the Navy and the OC was that the Japanese could benefit in knowing that the *Wasp* sunk.³⁹³ For instance, the Japanese would no longer have to account for the *Wasp* in making military

³⁸⁶ In a letter back to Director Price, the editor said, “I am very sorry indeed...” and added that he would abide by Price’s advice “in [the] future on all similar material.” See Bruce Bliven, Editor of the *New Republic*, to Byron Price, Director of the OC, June 25, 1942; “Misc. Dom. Condemn”; Box 84; ASF; RG 216; NACP.

³⁸⁷ Sweeney, *Secrets of Victory*, *op. cit.*, 54-55.

³⁸⁸ “Clark Township Men on Ill-Fated *Wasp*,” *Tell City News*, 30 October 1942.

³⁸⁹ Sweeney, *Secrets of Victory*, *op. cit.*, 54.

³⁹⁰ “Clark Township Men on Ill-Fated *Wasp*,” *op. cit.*

³⁹¹ Henry M. Dater, “Tactical Use of Air Power in World War II: The Navy Experience,” *Military Affairs* 14, no. 4 (Winter, 1950): 196.

³⁹² Sweeney, *Secrets of Victory*, *op. cit.*, 55; Sweeney, “Censorship Missionaries,” *op. cit.*, 7-8.

³⁹³ John Sorrells, Assistant Director of the OC, to Gordon Hanna, Marine Reporter, March 24, 1942 (Sorrells to Hanna); “Daily Reading File: March 1942” folder (“DRF: March 1942”); Box 1214; SRF; RG 216; NACP. This rule applied to the sinking of all battleships (not just the *Wasp*). Also see Sweeney, *Secrets of Victory*, *op. cit.*, 85.

plans³⁹⁴ and would know that their strategy against the carrier was effective.³⁹⁵ Thus, the Japanese could have become emboldened to attack a weakened U.S. Navy.

Throughout the war, there were many articles in different publications that disclosed information about the atomic bomb. One article was in the *New York Times*, which the paper called “Nazi ‘Heavy Water’ Looms as Weapon.”³⁹⁶ The article explained that heavy water was a substance that scientists could use to make an atomic bomb and that scientists made heavy water by subjecting ordinary water to an electro-chemical process based on a “formula...given to the world by American scientists” (6,000 gallons of ordinary water will yield one quart of heavy water). A different part of the article revealed even more information about making an atomic bomb: “[h]eavy water...is believed to provide a means of disintegrating the atom that would thereby release a devastating power,” especially “when added to other chemicals.”³⁹⁷ The War Department asked the OC to block the export of such articles to other countries in the future. The OC agreed and even promised to stop the export of the *Times* article.³⁹⁸

Another article about the atomic bomb appeared in the *Washington Post*, under the headline “Just an Atom-Smasher.”³⁹⁹ The article was primarily about a young scientist who was working for the U.S. government doing atomic research. The scientist could not get a pay raise, and felt cheated. However, the article provided revealing details about U.S. efforts to build an atomic bomb. It said several times that scientists

³⁹⁴ Sweeney, *Secrets of Victory*, *op. cit.*, 85.

³⁹⁵ Outline that provides the rationale for rules contained in the code books (look under “Enemy Attacks,” p. 6); “Confidential Notes”; Box 146; ASF; RG 216; NACP.

³⁹⁶ Washburn, “The Office of Censorship’s Attempt to Control Press Coverage,” *op. cit.*, 6.

³⁹⁷ “Nazi ‘Heavy Water’ Looms As Weapon,” *New York Times*, 4 April 1943; “Atom Smashing” folder (“Atom Smashing”); Box 482; ASF; RG 216; NACP.

³⁹⁸ Jack Lockhart, Assistant Director of the OC, to N.R. Howard, April 5, 1943; “Atom Smashing”; Box 482; ASF; RG 216; NACP.

³⁹⁹ Washburn, “The Office of Censorship’s Attempt to Control Press Coverage,” *op. cit.*, 9.

were working on building the bomb by doing things like “bombarding isotopes” and looking for “the effect of an alpha particle on the electron force of an atom of uranium.” Then, the article said that the United States was a long way from having the bomb and should just stick to “buying war bonds...turning out rifles...and artillery.”⁴⁰⁰ The OC was shocked by the article and felt that it gave the enemy much information of value. The OC said, “the security considerations [of the article] are great.”⁴⁰¹ The editor of the *Post* agreed not to publish more articles on atom smashing.⁴⁰²

Time magazine published an article about the atomic bomb, which the magazine titled “V-3.”⁴⁰³ At first, the article speculated that Germany made an atomic bomb called the V-3 and gave details on how Germany may have made it.⁴⁰⁴ But the article later described how the United States had conducted some of its own atomic experiments. The article said, “most [U.S.] scientists put their atom smashing hopes mainly in cyclotronic bombardment of atoms with deuterons—the heavy hydrogen nuclei derived from heavy water.” The article also alluded to how the OC had asked the editors of U.S. papers in a confidential letter to never mention information on atomic weapons or experiments.⁴⁰⁵ The OC felt that such a disclosure could alert the Axis powers to the fact that the United

⁴⁰⁰ “Just an Atom-Smasher,” *Washington Post*, 31 October 1943; “Atom Smashing”; Box 482; ASF; RG 216; NACP.

⁴⁰¹ Jack Lockhart, Assistant Director of the OC, to Alexander Jones, Managing Editor of the *Washington Post*, November 1, 1943; “Atom Smashing”; Box 482; ASF; RG 216; NACP.

⁴⁰² Alexander Jones, Managing Editor of the *Washington Post*, to Jack Lockhart, Assistant Director of the OC, November 2, 1943; “Atom Smashing”; Box 482; ASF; RG 216; NACP. In fact, the editor wrote, “Inasmuch as I do not have a scientific mind, I can promise you with the greatest sincerity that the *Washington Post* will not say anything in the future about atom smashing...”

⁴⁰³ Washburn, “The Office of Censorship’s Attempt to Control Press Coverage,” *op. cit.*, 9.

⁴⁰⁴ For instance, the article suggested that German scientists created devices that could apply pressure to atoms in a bomb to crush them, thereby releasing energy equivalent to the energy of a star called the White Dwarf.

⁴⁰⁵ “V-3,” *Time*, 27 November 1944; “Atom Smashing: October 1944” folder (“Atom Smashing: Oct. 1944”); Box 482; ASF; RG 216; NACP.

States was earnestly trying to build an atomic bomb.⁴⁰⁶ The Army said that the article was “one of the worst security breaches of the war...”⁴⁰⁷

A gossip column that was in the *Minneapolis Tribune* called the “Washington Memo” discussed atomic weapons on August 24, 1944.⁴⁰⁸ The column read,

The war production board has put all uranium under complete control. To the average citizen this fact is neither interesting nor important. To physicists it's a scalp tinger. The uranium atom has shown more promise than any other of yielding to science's quest for a key to release sub-atomic energy...All known explosives are popgun affairs compared to the dreadful power [of] sub-atomic energy...⁴⁰⁹

The OC was disturbed by this disclosure and even told the editor of the *Tribune*, “We cannot believe that this story passed over your desk before it was published.”⁴¹⁰ The OC was angry mainly because the *Tribune* column told the enemy the importance of uranium in building an atomic weapon.⁴¹¹ Censors condemned the paper for export.⁴¹² In addition to these reactions, the Army wanted to “put the fear of God” into the paper.⁴¹³ The editor of the *Tribune* thought that the column was insignificant, but did concede that “maybe we've blundered.”⁴¹⁴

Arthur Hale, a broadcaster for MBS, discussed the atomic bomb in his program called “Confidentially Yours” in August 1944. Hale mentioned that the scientists were

⁴⁰⁶ Washburn, “The Office of Censorship's Attempt to Control Press Coverage,” *op. cit.*, 24.

⁴⁰⁷ General memorandum by Jack Lockhart, November 23, 1944; “Atom Smashing: Oct. 1944”; Box 482; ASF; RG 216; NACP.

⁴⁰⁸ Washburn, “The Office of Censorship's Attempt to Control Press Coverage,” *op. cit.*, 14-15.

⁴⁰⁹ “Washington Memo,” *Minneapolis Tribune*, August 24, 1944; “Atom Smashing: July 1944” folder (“Atom Smashing: July 1944”); Box 482; ASF; RG 216; NACP.

⁴¹⁰ Frank Clough, Press Division of the OC, to William P. Steven, Managing Editor of the *Minneapolis Tribune*, August 26, 1944; “Atom Smashing: July 1944”; Box 482; ASF; RG 216; NACP.

⁴¹¹ Frank Clough, Press Division of the OC, to William P. Steven, Managing Editor of the *Minneapolis Tribune*, September 4, 1944; “Atom Smashing: July 1944”; Box 482; ASF; RG 216; NACP.

⁴¹² Frank Clough, Press Division of the OC, to William P. Steven, Managing Editor of the *Minneapolis Tribune*, August 26, 1944; “Atom Smashing: July 1944”; Box 482; ASF; RG 216; NACP.

⁴¹³ Mil Petty to Jack Lockhart, Assistant Director of the OC, August 26, 1944; “Atom Smashing: July 1944”; Box 482; ASF; RG 216; NACP.

⁴¹⁴ William P. Steven, Managing Editor of the *Minneapolis Tribune*, to Frank Clough, Press Division of the OC, August 30, 1944; “Atom Smashing: July 1944”; Box 482; ASF; RG 216; NACP.

conducting atomic research in Pasco, Washington,⁴¹⁵ and that the United States was just about to finish making an atomic bomb.⁴¹⁶ Both statements were true. Censors heard the broadcast and prevented it from re-airing.⁴¹⁷ Military officials wanted to place censors in every U.S. radio station to prevent more leaks (although the officials eventually backed down from this request).⁴¹⁸ The OC called Hale's program "one of the worst leaks of the war" and asked MBS to destroy all transcripts of the program.⁴¹⁹ Interestingly, however, Hale had no idea that the facts he stated were true. He had only hoped that German officials would hear his program and become scared into surrendering.⁴²⁰

As in World War I, the noteworthy examples of when the government or military got angry with the press dealt with secret military plans and weapons. But unlike the last war, there were examples concerning the enemy's code of communication, the treatment of POW's (in internment camps), and the sinking of an aircraft carrier (the *Wasp*). The articles and the radio broadcast ("Confidentially Yours") about the atomic bomb as well as the articles on the sinking of the *Wasp* and the internment of Japanese persons violated the codes.⁴²¹ The other articles caused the OC to create new rules of voluntary censorship. For instance, the *Chicago Tribune* article on the government's secret war plans against the Axis powers led to a rule against reporting secret war plans. The government or military never proved that the articles or the radio program that angered

⁴¹⁵ Erik Barnouw, *A History of Broadcasting in the United States: The Golden Web, 1933 to 1953, vol. 2* (New York, NY: Oxford University Press, 2001), 157.

⁴¹⁶ Sweeney, *Secrets of Victory, op. cit.*, 201; Koop, *Weapon of Silence, op. cit.*, 276.

⁴¹⁷ Koop, *Weapon of Silence, op. cit.*, 276.

⁴¹⁸ Barnouw, *A History of Broadcasting in the United States, op. cit.*, 157. During the war, the OC kept tabs on the radio by using a number of methods, namely listening to programs on the national networks, "spot-checking" smaller stations, and getting alerts from concerned citizens. See Sweeney, *Secrets of Victory, op. cit.*, 107.

⁴¹⁹ Sweeney, *Secrets of Victory, op. cit.*, 201-02.

⁴²⁰ Koop, *Weapon of Silence, op. cit.*, 276-77; Sweeney, *Secrets of Victory, op. cit.*, 202.

⁴²¹ The *New Republic* published its article about the internment of Japanese persons on the same day that the OC issued revisions to its codes that included a ban on reporting such information about POW's. The day was 15 June 1942.

them directly endangered security. Indeed, both times that the government wanted to prosecute the *Tribune* the military refused to provide evidence of security violations in court. Regardless, however, the military and government based their anger on common sense and the probability that the enemy would use disclosed information to his benefit.

By the end of the war, the OC recorded that print journalists committed 7,000 violations of the code of wartime practices⁴²² and that radio broadcasters were responsible for 310 violations.⁴²³ Large and small members of the press were at fault.⁴²⁴ According to historian Michael Sweeney, however, no members of the press intentionally violated the rules of the OC,⁴²⁵ as the mistakes were either accidental or done in ignorance.⁴²⁶ In fact, local members of the press committed a majority of the violations by reporting the weather or the movement of troop units from their areas.⁴²⁷ It is hard to believe, however, that some of the violations, especially the ones on the atomic bomb, were unintentional.

Throughout World War II, the government and military imposed several broad controls on the press, but outside of them the press could print whatever it wanted. In fact, the press was freer from governmental control than in World War I. Nearly all members of the press agreed with the government on the rules of voluntary censorship. As in World War I, the rules focused on protecting the military. But compared to World War I the rules placed a greater emphasis on protecting U.S. civilians, the homeland, and

⁴²² Sweeney, *Secrets of Victory*, *op. cit.*, 41.

⁴²³ Broadcast Memorandum by Peter H. Cousins, July 3, 1945; "Radio Division: Reports * Misc" folder; Box 862; ASF; RG 216; NACP.

⁴²⁴ Sweeney, *Secrets of Victory*, *op. cit.*, 41.

⁴²⁵ The OC had not issued the codes of wartime practices when the *Chicago Tribune* published its article titled "F.D.R.'s War Plans!" Also, when the *Tribune* implied that the U.S. Navy broke Japan's code of communication the codes of wartime practices did not say that such a revelation was inappropriate.

⁴²⁶ Sweeney, *The Military and the Press*, *op. cit.*, 72.

⁴²⁷ Sweeney, *Secrets of Victory*, *op. cit.*, 87-88, 108.

diplomatic efforts of the government. One rule protected the president, similar to the level of protection that the president received in World War I. The government, as in World War I, wanted the methods of mail censorship to stay secret. Also, some members of the press still violated the rules of voluntary censorship or otherwise angered the government or military with security violations, as described above.

VII. Vietnam War

Amid the Cold War and as President John F. Kennedy increased the involvement of the U.S. military in Vietnam, he promised that the government would never “censor the news” or otherwise control the press. He asked the press, however, to be extremely careful in reporting stories dealing with national security, warning that “...this nation’s foes [i.e. the communist leaders of other countries] have openly boasted of acquiring through our newspapers information they would otherwise hire agents to acquire...”⁴²⁸ However, President Kennedy and the other presidents during the Vietnam War failed to keep the promise of no censorship or control.

For example, in 1963 President Kennedy tried to get David Halberstam, a war correspondent for the *New York Times*, removed from Vietnam.⁴²⁹ Halberstam wrote an article that described how the U.S. military was losing control of an area called the Mekong Delta to the Vietcong (VC). The article said that the number of VC soldiers there was growing rapidly and that they were conducting more and more guerilla attacks on U.S. and South Vietnamese forces. The article ended by saying that the U.S. military “doesn’t have the answer yet” on how to handle the situation.⁴³⁰ The Kennedy administration said that the story was false and that U.S. and South Vietnamese forces were actually gaining ground in the delta.⁴³¹ President Kennedy was upset and asked the publisher of the *Times* to remove Halberstam from Vietnam.⁴³² However, the publisher

⁴²⁸ John F. Kennedy, *Public Papers of the Presidents of the United States, 1961* (Washington, D.C.: U.S. Government Printing Office, 1962), 336-37.

⁴²⁹ Smith, *War and Press Freedom, op. cit.*, 181.

⁴³⁰ David Halberstam, “Vietnamese Reds Gain in Key Area,” *New York Times*, 15 August 1963.

⁴³¹ David Halberstam, *The Making of a Quagmire* (New York, NY: Random House, Inc., 1964), 191.

⁴³² *Ibid*; Smith, *War and Press Freedom, op. cit.*, 181.

refused to do so and convinced Halberstam to postpone his upcoming vacation so that it would not appear that the *Times* had caved in to Kennedy.⁴³³

President Lyndon B. Johnson, who took office in 1963, took similar action against Morley Safer, a broadcaster for CBS. In a television broadcast from Vietnam, Safer showed U.S. Marines setting fire to huts in a village called Cam Ne while villagers stood by in terror.⁴³⁴ Safer said that the Marines did this after light gunfire came from someplace in the village and despite the fact that “[o]ld men and women...were pleading with the Marines to spare their houses.”⁴³⁵ However, Safer failed to mention that the Marines burned the huts right after heavy fighting with the VC,⁴³⁶ that Cam Ne was a VC stronghold, and that at least one of the huts concealed a secret passageway to VC tunnels.⁴³⁷

President Johnson believed that Safer had unfairly damaged the image of American troops. Johnson cursed out Frank Stanton, then-president of CBS, for allowing the story to air and asked him to fire Safer. Johnson also ordered the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA) to investigate Safer to see if he had “[c]ommunist ties.” According to Safer, the investigations failed to turn up

⁴³³ Smith, *War and Press Freedom*, *op. cit.*, 181. Nevertheless, editors at the *New York Times* were angry with Halberstam because they believed that his reporting was overly negative and that some of his claims were probably false. For the record, though, Halberstam stood by his article and would not withdraw any of his claims about the situation, even if it meant his resignation. See Neil Sheehan, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (New York, NY: Vintage Books, 1988), 348-49, and Halberstam, *Making of a Quagmire*, *op. cit.*, 192-93.

⁴³⁴ William M. Hammond, *Public Affairs: The Military and the Media, 1962-1968* (Washington, D.C.: Center of Military History, United States Army, 1988), 186-189.

⁴³⁵ *The Vietnam War*, ed. Russell J. Cook, vol. 7, *The Greenwood Library of American War Reporting*, ed. David A. Copeland (Westport, CT: Greenwood Press, 2005), 112-13.

⁴³⁶ Kathleen J. Turner, *Lyndon Johnson's Dual War: Vietnam and the Press* (Chicago, IL: The University of Chicago Press, 1985), 182.

⁴³⁷ Hammond, *The Military and the Media, 1962-1968*, *op. cit.*, 186-87. On the same night that Safer showed footage of the Marines burning the huts, another CBC broadcast, though, did mention that the U.S. military would burn Vietnamese huts (or other buildings) only when the VC had used them for military purposes. See Hammond, *The Military and the Media, 1962-1968*, *op. cit.*, 187.

anything, but Johnson nevertheless told CBS that he had damaging information on Safer. CBS, however, refused to give in to Johnson's request to fire him.⁴³⁸

The Johnson administration also initiated governmental investigations of Peter Arnett, a correspondent for the Associated Press (AP) who was covering Vietnam. Arnett wrote several controversial articles, some of which discussed shortages of U.S. military supplies on the ground, the carnage occurring during combat, and the failure of some of the U.S. military's equipment.⁴³⁹ One article that really got Arnett into trouble described how the U.S. military used tear gas against VC soldiers to "paralyze" them in certain situations.⁴⁴⁰ The tear gas would cause "extreme nausea and vomiting...[as well as] loosen[ing] [of] the bowels," although it was "non-lethal." Arnett likened the use of the tear gas to the horrific gas warfare of World War I.⁴⁴¹

After newspapers in the United States and in other parts of the world published Arnett's article, there was public outrage against the U.S. military.⁴⁴² The CIA investigated Arnett to see if he was an associate of the VC, while the FBI searched for embarrassing information on him that the government could use against him. According to Arnett, the investigations, however, failed to yield any "goods" on him.⁴⁴³

President Richard M. Nixon, coming to power in 1968, took some actions against members of the press over the Vietnam War. He believed that about 95 percent of

⁴³⁸ Morley Safer, *Flashbacks: On Returning to Vietnam* (New York, NY: Random House, Inc., 1990), 94.

⁴³⁹ Peter Arnett, *Live from the Battlefield: From Vietnam to Baghdad: 35 Years in the World's War Zones* (New York, NY: Simon & Shuster, 1994), 169.

⁴⁴⁰ The situations that the U.S. military used tear gas included when the military rescued U.S. or South Vietnamese POW's, when VC soldiers were traveling in underground tunnels, and when the military needed to isolate VC soldiers from a population of women and children. See *The Vietnam War*, ed. Cook, *op. cit.*, 106-07.

⁴⁴¹ *The Vietnam War*, ed. Cook, *op. cit.*, 106-07.

⁴⁴² Hammond, *The Military and the Media, 1962-1968*, *op. cit.*, 156.

⁴⁴³ Arnett, *Live from the Battlefield*, *op. cit.*, 169-70.

reporters in Washington, D.C., were opposed to his policies⁴⁴⁴ and even put numerous reporters and others on a list that he had of political “enemies.”⁴⁴⁵ From the start of his presidency, Nixon planned to control the press any way possible. He even said, “I was prepared...to do combat with the media.”⁴⁴⁶

In 1971, the Nixon administration tried to control the press by asking the Supreme Court to block the publication of articles in the *New York Times*, *Washington Post*, and other newspapers that dealt with the Pentagon Papers. As mentioned, the newspapers won the case. However, the government was able to temporarily enjoin the publication of the articles in the *Times* and *Post* before the Court rendered its decision.⁴⁴⁷ Murray Gurfein, a lower federal court judge, even imposed a temporary injunction on the *Times* to give himself enough time to hear the arguments of both sides, and the injunction remained throughout the appeals process.⁴⁴⁸

Also, while the government challenged the *Times* and *Post* in court, eighteen other newspapers published information from the Pentagon Papers. The government obtained temporary injunctions on only two of the newspapers, including the *Boston Globe* and the *St. Louis Post-Dispatch*.⁴⁴⁹ The government sued these newspapers because, of all the other ones, they disclosed information that the government said was most sensitive to national security.⁴⁵⁰ The duration of all the temporary injunctions

⁴⁴⁴ “Richard Nixon: By the Press Obsessed,” *Columbia Journalism Review* 28, no. 1 (May/June 1989): 50.

⁴⁴⁵ Joseph C. Spear, *Presidents and the Press: The Nixon Legacy* (Cambridge, MA: The Massachusetts Institute of Technology (MIT) Press, 1984), 129.

⁴⁴⁶ *Ibid.*, 111.

⁴⁴⁷ Rudenstine, *The Day the Presses Stopped*, *op. cit.*, 383.

⁴⁴⁸ Stone, *Perilous Times*, *op. cit.*, 504, 508-09; Fred P. Graham, “Judge, at Request of U.S., Halts Times Vietnam Series Four Days Pending Hearing on Injunction,” *New York Times*, 16 June 1971.

⁴⁴⁹ Rudenstine, *The Day the Presses Stopped*, *op. cit.*, 383-84.

⁴⁵⁰ *Ibid.*, 383-84.

ranged from five to fifteen days.⁴⁵¹ This was the first time in U.S. history that a federal court imposed a prior restraint on the press.⁴⁵² Surprisingly, the government chose not to charge any of the newspapers with violating the Espionage Act,⁴⁵³ although the government threatened to do this with the *Post*.⁴⁵⁴

Nixon also ordered wiretaps of some reporters to stop them from reporting certain information. Nixon did this to Joseph Kraft, who once commented that Nixon failed to do the right things to end the war.⁴⁵⁵ Nixon took the same action against Marvin Kalb, a reporter for CBS, after he discussed details of the secret bombing of Cambodia, the location of numerous VC soldiers. In fact, FBI agents listened to his phone calls for almost a year to find out who leaked him the details.⁴⁵⁶ In another example, Nixon ordered the tapping of William Beecher after he disclosed that the U.S. had secretly increased the intensity of the bombing of Cambodia.⁴⁵⁷

At times, U.S. presidents during the Vietnam War controlled the press by giving reporters false information or by withholding information.⁴⁵⁸ Early in the war, for example, President Kennedy told reporters that U.S. soldiers were uninvolved in combat

⁴⁵¹ Charles L. Klotzer, "The Pentagon Papers and the Post-Dispatch," *St. Louis Journalism Review* 26, no. 188 (July/August 1996): 14; Rudenstine, *The Day the Presses Stopped*, *op. cit.*, 263, 383-84; Spear, *Presidents and the Press*, *op. cit.*, 162.

⁴⁵² Stone, *Perilous Times*, *op. cit.*, 505; Graham, "Judge, at Request of U.S., Halts Times Vietnam Series Four Days Pending Hearing on Injunction," *op. cit.*

⁴⁵³ Rudenstine, *The Day the Presses Stopped*, *op. cit.*, 383.

⁴⁵⁴ Stone, *Perilous Times*, *op. cit.*, 511.

⁴⁵⁵ Spear, *Presidents and the Press*, *op. cit.*, 133-34.

⁴⁵⁶ Kalb, *The Nixon Memo*, *op. cit.*, 201-02; J. Anthony Lukas, *Nightmare: The Underside of the Nixon Years* (New York, NY: The Viking Press, 1973), 54-55.

⁴⁵⁷ Lukas, *Nightmare*, *op. cit.*, 57; William Beecher, "128 U.S. Planes Carry Out Attack in North Vietnam; Supply Lines Are Targets," *New York Times*, 3 May 1970. Beecher was actually the first reporter in the United States to reveal that the U.S. military was secretly bombing Cambodia—his article went largely unnoticed by the public. Therefore, Kalb was not in uncharted waters when he discussed the bombing. But for unknown reasons, the Nixon administration decided to spy on Kalb and not Beecher. Nevertheless, when Beecher published his article revealing that the intensity of the bombing increased the administration decided that enough was enough. See Clarence R. Wyatt, *Paper Soldiers: The American Press and the Vietnam War* (New York, NY: W.W. Norton & Company, Inc., 1993), 210; Lukas, *Nightmare*, *op. cit.*, 57.

⁴⁵⁸ Smith, *War and Press Freedom*, *op. cit.*, 181.

in Vietnam, despite the fact that numerous U.S. soldiers had fought and died there.⁴⁵⁹ In 1966, the Johnson administration denied the fact that the military increased bombings in North Vietnam, including residential areas.⁴⁶⁰ Nixon, as mentioned earlier, never told the press that he ordered the bombing of Cambodia. In addition to this, his administration tried to conceal the U.S. bombings of parts of the Ho Chi Min trail in Laos.⁴⁶¹ Nevertheless, presidents have no constitutional duty to make such disclosures to the public or Congress.

Aside from all of these things that U.S. presidents did to control the press during the Vietnam War, there is a little more to the story. Throughout the war, the U.S. government had two secret plans to censor the *domestic* press so that it would not disclose information of value to America's enemies. The government made the plans after World War II in case there would be a national security crisis. One of the plans was to set up a system of voluntary censorship very similar to the one the government used in World War II (e.g. the press could not mention U.S. war plans or troop movements). The other plan was to censor communications entering or leaving the United States, including mail, cables, radio, and television.

After World War II, the government even secretly recruited thousands of U.S. citizens to be censors. During the Vietnam War, the government maintained that it would implement the censorship of international communications only if there was a nuclear attack against the United States. According to scholar David Wise, however, the

⁴⁵⁹ Daniel C. Hallin, *The "Uncensored War": The Media and Vietnam* (New York, NY: Oxford University Press, 1986), 26-33.

⁴⁶⁰ William M. Hammond, *Reporting Vietnam: Media and Military at War* (Lawrence, Kansas: University Press of Kansas, 1998), 94-95.

⁴⁶¹ William M. Hammond, *Public Affairs: The Military and the Media, 1968-1973* (Washington, D.C.: Center of Military History, United States Army, 1996), 265-66.

government actually had the power under existing executive orders to censor international communications at any time during the war. Nevertheless, no president during the Vietnam War tried to implement either one of the plans.⁴⁶²

Different from World War I and World War II, the U.S. military refrained from censoring U.S. war correspondents in Vietnam through a system of review.⁴⁶³ However, the military considered doing this early in the conflict, but decided not to for multiple reasons. One was that a system of review would have been impossible to conduct effectively. For instance, there was no censorship of international communications, so U.S. war correspondents would always have the ability to send dispatches back home from countries near Vietnam. Another reason was that the military did not want to draw attention to a war that was becoming unpopular in America (especially a war that the government failed to officially declare), as members of the press would be outraged if they had to deal with mandatory censorship. Other reasons were that military censorship would require a huge bureaucracy as well as the help of members of the South Vietnamese military, who “lack[ed] a concept of American-style freedom of the press.”⁴⁶⁴

Instead, the military made war correspondents agree to rules of voluntary censorship (technically, the rules did not apply to the *domestic* press, although it was free

⁴⁶² David Wise, *The Politics of Lying: Government Deception, Secrecy, and Power* (New York, NY: Random House, Inc., 1973), 134-40; Jack A. Gottschalk, “‘Consistent with Security’ ... A History of American Military Press Censorship,” *Communications and the Law* 5 (Summer 1983): 48-52; *Pentagon Rules on Media Access to the Persian Gulf War: Hearing before the Committee on Governmental Affairs, United States Senate, One Hundred Second Congress, First Session, February 20, 1991* (Washington, D.C.: U.S. Government Printing Office, 1991), 824-838.

⁴⁶³ Hallin, *The “Uncensored War,”* *op. cit.*, 126.

⁴⁶⁴ Wyatt, *Paper Soldiers*, *op. cit.*, 159; Hammond, *The Military and the Media, 1962-1968*, *op. cit.*, 143-45, 193-95; Hallin, *The “Uncensored War,”* *op. cit.*, 127; M.W. Irvin, LTC, USA, Chief Plans and Policy Division, Military Assistance Command, Vietnam, to Colonel Johnson, May 24, 1968; Westmoreland Papers; U.S. Army Center of Military History (CMH); William M. Hammond, “Who Were the Saigon Correspondents, and Does it Matter?,” in *War, Military and Media from Gutenberg to Today*, ed. Major General (Retired) Mihail E. Ionescu (Bucharest, Romania: Military Publishing House, 2004), 84.

to follow them). If correspondents violated the rules, then the military would suspend their accreditation or disaccredit them.⁴⁶⁵ War correspondents were relatively free to cover military operations. They could travel with the military,⁴⁶⁶ even on planes in between military bases,⁴⁶⁷ and roam freely in Vietnam.⁴⁶⁸ It was actually quite easy for reporters in the United States to become war correspondents. In fact, they just had to get sponsored by a media company and agree to the rules of voluntary censorship.⁴⁶⁹ There were 1,951 U.S. correspondents who covered the war, and 146 of them were freelance journalists.⁴⁷⁰

However, there were times when the military blocked press access to operations. For example, the military prevented correspondents from covering helicopter attacks on the VC in 1962 because President Kennedy did not want the press to know “[of] the current military situation.”⁴⁷¹ The military also barred correspondents from Da Nang, which was a major South Vietnamese air base, because of the possibility that they could alert the VC to future air force attacks.⁴⁷² And, as referred to earlier, the military blocked press coverage of U.S. bombings in Cambodia and Laos.

The U.S. military began accrediting U.S. correspondents in 1965, but before then the South Vietnamese government and military controlled them. South Vietnamese officials censored all of the correspondents’ dispatches and often blocked press access to cover war operations. Also, South Vietnamese officials threatened to banish some

⁴⁶⁵ Ibid., 145-47; Hammond, *Reporting Vietnam*, *op. cit.*, 52-53.

⁴⁶⁶ Knightley, *First Casualty*, *op. cit.*, 461.

⁴⁶⁷ Hammond, “Who Were the Saigon Correspondents...?,” *op. cit.*, 84.

⁴⁶⁸ Knightley, *First Casualty*, *op. cit.*, 465.

⁴⁶⁹ Hammond, “Who Were the Saigon Correspondents...?,” *op. cit.*, 84; Knightley, *First Casualty*, *op. cit.*, 461.; Headquarters, United States Military Assistance Command, Vietnam (MACV), Command History (MACV Command History), 1969, vol. 3, XI-25, U.S. Army Center of Military History.

⁴⁷⁰ Hammond, “Who Were the Saigon Correspondents...?,” *op. cit.*, 85, 97.

⁴⁷¹ Wyatt, *Paper Soldiers*, *op. cit.*, 91.

⁴⁷² Ibid., 161.

reporters from the country for unfavorable stories.⁴⁷³ In addition, officials even threatened the lives of reporters and beat at least one of them. For instance, some officials threatened to kill a correspondent named Neil Sheehan and “make it look like the VC did it.” Other officials pushed and repeatedly kicked Peter Arnett of the AP for writing articles that were embarrassing to the government.⁴⁷⁴ The U.S. government privately pressured South Vietnamese officials to leave U.S. correspondents alone, but the U.S. government made little protest in public.⁴⁷⁵

Aside from some of the controls set by the South Vietnamese government and the possibility of prosecutions under the Espionage Act, the press was free from the broad controls that the U.S. government used in World War I and World War II. For instance, gone were the days of restrictive laws against sedition and the censoring of press dispatches crossing the U.S. border. Also, there were no official rules of voluntary censorship for the domestic press, only ones for war correspondents. The military no longer imposed censorship through a system of review. However, sometimes U.S. presidents gave false information or withheld information from the press about America’s involvement in Vietnam, which were new kinds of broad controls. In addition, the government tried to control select members of the press several times, as it did with the *New York Times* and *Washington Post* in the Pentagon Papers case. The government also had plans to implement large scale censorship. The military occasionally blocked press access to cover war operations. Nevertheless, as a whole the press was quite free to cover events and to print whatever it wanted, and it emerged as a major critic of the war.

⁴⁷³Wyatt, *Paper Tigers*, *op. cit.*, 96, 102; Hammond, *The Military and The Media, 1962-1968*, *op. cit.*, 24-29, 55-56.

⁴⁷⁴Sheehan, *A Bright Shining Lie*, *op. cit.*, 352-53.

⁴⁷⁵Wyatt, *Paper Tigers*, *op. cit.*, 126; Hammond, *The Military and The Media, 1962-1968*, *op. cit.*, 41-42.

A. Information that the Military and Press Agreed Could Violate National Security

In Vietnam, nearly all the correspondents believed that the rules of voluntary censorship were necessary to protect national security. After the military announced the rules, “most of the more than 500 correspondents [in Vietnam]” embraced them, and there was “little quarrel.”⁴⁷⁶ Some correspondents even asked the military to impose official censorship.⁴⁷⁷ In fact, one correspondent purposely violated one of the rules to try and convince the military that it needed to impose censorship through a system of review.⁴⁷⁸ Other correspondents, however, objected that the military could use the rules to prevent disclosures of embarrassing information. Other correspondents said that a few of the rules would usually be unnecessary because the VC would already know the information that the military would restrict, such as many of the movements of U.S. and South Vietnamese troops.⁴⁷⁹ The *Chicago Tribune* said that the rules were the start of a slippery slope that would end with involuntary censorship.⁴⁸⁰

In 1965, when President Johnson heavily involved U.S. troops in operations, the U.S. military issued the rules of voluntary censorship, which the military called the “Ground Rules.” Throughout the war, there were only a few small changes to them.⁴⁸¹ The military, however, said that the rules were not exhaustive and asked correspondents to call military officers with any questions.⁴⁸²

⁴⁷⁶ Gene Roberts, “U.S. ‘Ground Rules’ Keep Rein on War Reporting,” *New York Times*, 2 July 1968.

⁴⁷⁷ Hammond, *Reporting Vietnam*, *op. cit.*, 52.

⁴⁷⁸ William M. Hammond, e-mail correspondence with author, 21 May 2007.

⁴⁷⁹ Roberts, “U.S. ‘Ground Rules’ Keep Rein on War Reporting,” *op. cit.*

⁴⁸⁰ “Creeping Censorship,” *Chicago Tribune*, 17 July 1965; Hammond, *The Military and The Media, 1962-1968*, *op. cit.*, 181.

⁴⁸¹ Wyatt, *Paper Soldiers*, *op. cit.*, 159.

⁴⁸² Hammond, *The Military and The Media, 1968-1973*, *op. cit.*, 4; MACV Command History, 1969, Vol. 3, XI-7, CMH files; Hammond, “Who Were the Saigon Correspondents...?,” *op. cit.*, 83-85.

There were numerous types of information in the “Ground Rules” that were new different from the rules of voluntary censorship in World War I or World War II. Among these types of information were the rules of engagement, the number and type of casualties suffered by friendly units, and information concerning downed aircraft while search and rescue (SAR) missions were underway.⁴⁸³ Other types of information that were new included the number of air strikes, the amount of ammunition expended during strikes on enemy lands, information on aircraft that were conducting strikes, details of planned strikes that did not take place (for whatever reason), and identification of enemy weapon systems used to down friendly aircraft.⁴⁸⁴

Nevertheless, many types of information in the “Ground Rules” remained from the past wars. These included future military operations or plans, the activities and methods of intelligence collection, troop movements, the size of friendly forces, and the tactical moves of troops and aircraft. Also included were statistics on critical supplies, the number of aircraft damaged by the enemy (or any other indicator of the effectiveness or ineffectiveness of ground anti-aircraft defenses), and the locations of air bases.⁴⁸⁵

As in World War I and World War II, the rules of voluntary censorship protected the military, even though there were several types of military information missing from the “Ground Rules” that the government or military had previously restricted. Noticeably

⁴⁸³ The U.S. military would allow correspondents to report weekly totals of U.S. casualties, but nothing more specific than that. See Hammond, *Reporting Vietnam, op. cit.*, 53.

⁴⁸⁴ Memorandum for Correspondents, 31 October 1966, *Pentagon Rules on Media Access to the Persian Gulf War: Hearing before the Committee on Governmental Affairs*, United States Senate, One Hundred Second Congress, First Session, February 20, 1991 (Washington, D.C.: U.S. Government Printing Office, 1991), 840-846; MACV Command History, 1968, Vol. 2, 945-946, CMH files; MACV Command History, 1970, Vol. 2, XI-16-XI-17, CMH files.

⁴⁸⁵ Memorandum for Correspondents, 31 October 1966, *Pentagon Rules on Media Access to the Persian Gulf War: Hearing before the Committee on Governmental Affairs*, United States Senate, One Hundred Second Congress, First Session, February 20, 1991 (Washington, D.C.: U.S. Government Printing Office, 1991), 840-846; MACV Command History, 1968, Vol. 2, 945-946, CMH files; MACV Command History, 1970, Vol. 2, XI-16-XI-17, CMH files.

missing were numbers on the total strength of U.S. troops, the location of troops, experiments or inventions in military weapons/materials, and details on intercepted enemy messages. The military stressed the fact that the Vietnam War was very different from past American wars because the VC used “subversion and guerilla warfare” against U.S. forces. Therefore, the rules of voluntary censorship had to be somewhat different.⁴⁸⁶

The rules in Vietnam, unlike the rules in World War I and World War II, offered no protection for U.S. civilians, the homeland, or the president. This made sense, however, because the United States was helping the South Vietnamese fight the VC, who had no means of launching attacks against the continental United States. In addition, the rules failed to address the importance of diplomacy to national security. For instance, the rules allowed the press to discuss, say, diplomatic negotiations concerning military operations. The Nixon administration feared such public disclosures in the Pentagon Papers case. Finally, there were no flexible rules of voluntary censorship for the Vietnam War, such as the rules in World War I and World War II that banned inaccurate information or information that could help the enemy, embarrass the United States or her allies, or injure the morale of U.S. troops, citizens, or allies.

B. Other Information that the Military Wanted Secret

In any case, there were still a few other types of information that the U.S. military wanted to keep secret during the Vietnam War for security reasons. One type of information was the war materials that the military developed. For instance, the military developed several radar systems to detect VC soldiers, who often hid in the landscape

⁴⁸⁶ Memorandum for Correspondents, 31 October 1966, *op. cit.*, 840.

and traveled at night.⁴⁸⁷ In fact, the military developed a radar system called the Foliage Penetration Radar, which could detect moving targets in areas of dense vegetation up to 1,500 feet away, as well as a system that specialized in sensing low velocity targets.⁴⁸⁸ The military also developed an airplane called the Quiet Aircraft (YO-3A) to help U.S. soldiers spot VC traveling at night and to conduct other reconnaissance. The plane had a muffled engine and a slow-turning propeller so that the VC could not hear the plane approach. To deter VC soldiers who tried to sabotage harbors and bridges in South Vietnam, the military developed the Swimmer Acoustic Burglar System, which used sonic beams to detect VC soldiers swimming through the water, even if they were below the surface.⁴⁸⁹

Another type of information that the military wanted to keep secret was the movement of the U.S. president when he traveled in South Vietnam. For instance, when President Nixon visited the country in 1969 the military asked correspondents to hold all stories on his travels until he left the country.⁴⁹⁰ And one other type of information was details of the experiences of U.S. soldiers who had been POW's. Such details included, among others, their escape plans, the methods that they used to communicate with each other, and the possible acceptance of VC propaganda by American POW's. The military said that such details could "jeopardize the welfare and possible future escape and/or release of other... [American POW's]."⁴⁹¹

⁴⁸⁷ MACV Command History, 1969, vol. 3, XII-7, CMH files.

⁴⁸⁸ Ibid., XII-7-XII-8.

⁴⁸⁹ Ibid., XII-9.

⁴⁹⁰ MACV Command History, 1969, vol. 3, XI-12-XI-13, CMH files.

⁴⁹¹ Ibid., XI-15-XI-17.

C. When the Military or Government Got Upset with Members of the Press

As with World War I and World War II, the military or government criticized members of the press multiple times over disclosures that could have endangered security. In 1966, the *Los Angeles Times* published an article titled “Marines Pour Ashore in Big Viet Landing” that prematurely revealed a U.S. troop movement. The article described how 4,000 U.S. soldiers had recently invaded an area of the coast of Vietnam that the VC controlled and mentioned that the troops came in 20 miles south of Quang Ngai City. It also said that the soldiers had already gone “up to two miles inland.” The article further identified the operation as Double Eagle, saying that the mission was to search for and kill VC soldiers. The article acknowledged that the military wanted the press to delay the release of information on the invasion because the soldiers had encountered very few VC. In fact, the article continued, U.S. soldiers were only experiencing “light sniper fire.” It was possible, as the article noted, that the VC had not detected the extent of the invasion.⁴⁹²

Jack Foisie, who wrote the article, made his revelation to convince the military that it should impose censorship by having a system of review, not just rules of voluntary censorship.⁴⁹³ The military suspended his accreditation for 30 days for the violation and had to modify the operation because of it.⁴⁹⁴ Foisie, however, apologized to the military,

⁴⁹² Jack Foisie, “Marines Pour Ashore in Big Viet Landing,” *Los Angeles Times*, 30 January 1966.

⁴⁹³ William M. Hammond, e-mail correspondence with author, 21 May 2007; Jack Foisie, Correspondent for the *Los Angeles Times*, to Colonel Ben LeGare, Director of Information, MACV, January 31, 1966 (Foisie to LeGare); “Foisie, Jack USA (1970) *Los Angeles Times*” file (“Foisie, J.”); Box 1; Disaccreditation or Suspended Correspondents Accreditation Files (DSCAF); RG 472; NACP. For more information on the argument that Foisie made for the release of his story, see Jack Foisie, “News of Marine Drive Held Back Two Days,” *Los Angeles Times*, 30 January 1966.

⁴⁹⁴ Colonel Ben LeGare, Director of Information, MACV, to Jack Foisie, Correspondent for the *Los Angeles Times*, January 31, 1966; “Foisie, J.”; Box 1; DSCAF; RG 472; NACP; Brigadier General Winant Sidle to the Chief of Staff for the Office of Information, 13 July 1968 (Sidle to Chief of Staff); “Carroll, John Disaccreditation” folder (“Carroll, J.”); Box 1; DSCAF; RG 472; NACP.

saying, “I now recognize that it [his article]...was an unmerited challenge to military authority and judgment regarding matters of security.” Foisie even asked to keep a copy of his story “as a reminder to go slow, and think clearly.”⁴⁹⁵

A couple years later, the *Baltimore Sun* published an article titled “Marines Leaving Base at Khe Sanh” that revealed a future military operation and a troop movement. The article declared that the military was going to close a military base called Khe Sanh and leave it abandoned. The article described how the soldiers stationed there were packing up and dismantling many parts of the base, including bunkers and the aircraft runway, and mentioned that the military asked the press to refrain from disclosing the operation. However, the article went on, this secret operation was not “hidden from the... [VC] in the hills overlooking the once-besieged base,” and so revelation of what was occurring could do no harm. The article then said the troops were going to move east to a base named Landing Zone Stud, noting that they would have to go “on Route 9” as well as “cross eighteen bridges and pass innumerable excellent ambush sites.”⁴⁹⁶

Khe Sanh had been the site of months of fighting, where many U.S. and South Vietnamese soldiers died.⁴⁹⁷ During the fighting, the military said that defending the

⁴⁹⁵ Foisie to LeGare; “Foisie, J.”; Box 1; DSCAF; RG 472; NACP. For many years, scholars could not identify the article that caused the military to suspend Foisie’s accreditation because many MACV files and the files of news agencies burned in a fire or were lost when Saigon fell to the VC in 1975. The author of this thesis “discovered” the article by piecing together evidence that recently surfaced. The evidence included files that archivists added to the National Archives in College Park, MD. Also, the author received a clue as to the correct article from an obituary in the *Los Angeles Times* for Jack Foisie. William M. Hammond, the leading historian on the Vietnam War and the press, agreed with the author that this article was the one (William M. Hammond, e-mail correspondence with author, 5 June 2007). See Foisie to LeGare; “Foisie, J.”; Box 1; DSCAF; RG 472; NACP; “Operations One Saigon (ncroap/jack foisie) 300130” (this document is a copy of the news wire that Foise sent through Reuters); “Foisie, J.”; Box 1; DSCAF; RG 472; NACP; Jon Thurber; “Obituary: Jack Foisie; Times Foreign Reporter, *Los Angeles Times*,” *Los Angeles Times*, 15 June 2001.

⁴⁹⁶ John Carroll, “Marines Leaving Base at Khe Shah,” *Baltimore Sun*, 25 June 1968.

⁴⁹⁷ Ibid.

base was crucial to the war effort,⁴⁹⁸ so suddenly abandoning the base could give the appearance of defeat.⁴⁹⁹ Military officials did not want to do this and had therefore made special efforts to keep the news from the public.⁵⁰⁰ The military went through with the closing because it really needed the soldiers at Khe Sanh to fight the VC in other areas.⁵⁰¹ After the *Sun* published the article, the military called the story a “blatant violation” of the Ground Rules⁵⁰² and suggested that it could “endanger American or other Free World troops.”⁵⁰³

In a later publication, John Carroll, the author of the *Sun* article, claimed that the only reason that the military wanted to keep the closing of the base a secret was that it would be unpopular. Carroll stressed the fact that some VC soldiers were in the hills and could see everything for themselves (at least one VC soldier even fired shots onto the base), therefore negating any of the military’s security concerns.⁵⁰⁴ However, during the closing U.S. soldiers went through the surrounding hills to make “enemy observation most difficult.” Also, the nearby VC soldiers could not tell if the military was leaving the base or just downsizing and had no idea where the troops would be headed. According to a high ranking military official, Carroll privately conceded to the military that “he blew it.”⁵⁰⁵

A correspondent for the Associated Press (AP) named George Esper wrote a series of stories for papers around the country in early 1970 that really irked military

⁴⁹⁸ *The Vietnam War*, ed. Russell J. Cook, vol. 7, *The Greenwood Library*, op. cit., 167.

⁴⁹⁹ Hammond, *Military and the Media, 1968-1972*, op. cit., 35-36.

⁵⁰⁰ Ibid., 34-35.

⁵⁰¹ Ibid., 34, 36.

⁵⁰² Sidle to Chief of Staff; “Carroll, J.”; Box 1; DSCAF; RG 472; NACP.

⁵⁰³ Hammond, *Military and the Media, 1968-1972*, op. cit., 37.

⁵⁰⁴ *The Vietnam War*, ed. Russell J. Cook, vol. 7, *The Greenwood Library*, op. cit., 168-69.

⁵⁰⁵ Memo with the names of Brigadier General Winant Sidle and Colonel Gordon Hill on the front (it is unclear who wrote the memo or who received it), as well as the subject line of “Q’s and A’s for Mr. Moss,” 31 July 1968; “Carroll, J.”; Box 1, DSCAF; RG 472; NACP.

officials. One story said that a South Vietnamese flotilla, accompanied by U.S. military advisers, was “preparing for an imminent assault up the Mekong River into Cambodia...” This story mentioned that a goal of the assault was to secure the waters leading to Phnom Penh, the capital of Cambodia. The story then described another plan of the South Vietnamese military, which was to invade the south coast of Cambodia near the chief port of the country called Kompong Som.⁵⁰⁶

Another story suggested that U.S. soldiers might participate in the operations and said that the invasion could expand to include the Cambodian base of Ream. A third story confirmed the fact that U.S. troops would participate in the combat. This story read, “...the American part of the task force [i.e. the flotilla]...will include...[about] 40 gunboats armed with .50 caliber machine guns and 350-foot long landing ships...The 60 South Vietnamese Navy gunboats will have mixed American and Vietnamese crews.” If this was not enough, the story added that South Vietnamese attack boats would protect the flotilla as it traveled along the river.⁵⁰⁷ The military said that the articles “endangered the lives of U.S. forces” and “cannot be condoned.”⁵⁰⁸

Before Esper wrote his stories, an official in the South Vietnamese government announced that the flotilla would actually be going up the Mekong River to distribute aid to Vietnamese persons living in Cambodia, but the official said nothing about planned military operations.⁵⁰⁹ The AP, however, argued that this official, in making his

⁵⁰⁶ George Esper, “Lead Indochina Roundup,” 7 May 1970 (this document was a copy of the article that Esper sent on the AP wire); “Correspondents Denied Accreditation Privileges: ‘Bad Guy List’” folder (“Bad Guy List”); Box 1; Miscellaneous Accreditation Files, 1968-1970 (MAF); RG 472; NACP; Hammond, *Military and the Media, 1968-1973, op. cit.*, 324-25.

⁵⁰⁷ Saigon—Indochina-3 (this document was a copy of two articles that Esper sent on the AP Wire); “Bad Guy List”; Box 1; MAF; RG 472; NACP; Hammond, *Military and the Media, 1968-1973, op. cit.*, 324-25.

⁵⁰⁸ Colonel Joseph F.B. Cutrona to David Mason, Bureau Chief of the Associated Press (Cutrona to Mason); “Bad Guy List”; Box 1; MAF; RG 472; NACP.

⁵⁰⁹ Cutrona to Mason; “Bad Guy List”; Box 1; MAF; RG 472; NACP.

announcement, authorized the release of information pertaining to the flotilla.⁵¹⁰

However, the U.S. military countered that divulging all kinds of details relating to the operations was a bit more than simply describing a relief effort and suggested that Esper should have known better.⁵¹¹ In any case, the military added, the South Vietnamese official should have never made the revelation and also violated security.⁵¹² The military concluded that there was no excuse for the disclosures by Esper.⁵¹³

Throughout the war, there were at least two times when members of the press discussed search and rescue operations that were underway. In 1968, some U.S. newspapers, including the *Washington Post*, published an article by Eugene Risher of the United Press International (UPI) that described how the VC shot down a transport aircraft called C-123, which had about 45 soldiers on board. The article announced that the plane went down roughly five miles east of Khe Sanh, being “well into enemy territory,” and then said that the press would know more details “pending the completion of the search and rescue operations.”⁵¹⁴ In an article titled “7 U.S. Craft Downed, Pilots Killed or Seized, Hanoi Says,” the *Los Angeles Times* and other papers disclosed how the VC shot

⁵¹⁰ MACV Memorandum for Record, signed by Colonel C.R. Carlson, Roy W. Johnson of the Mission Press Center, and Lieutenant Colonel K.L. McClung, June 8, 1970 (MACV Memo for Record); “Bad Guy List”; Box 1; MAF; RG 472; NACP.

⁵¹¹ MACV Memo for Record; “Bad Guy List”; Box 1; MAF; RG 472; NACP; Cutrona to Mason; “Bad Guy List”; Box 1; MAF; RG 472; NACP.

⁵¹² “MACV Suspends Newsman,” *Pacific Stars & Stripes*, 21 June 1970; “Esper, George J. USA (1972) Associated Press” file; Box 1; DSCAF; RG 472; NACP.

⁵¹³ Cutrona to Mason; “Bad Guy List”; Box 1; MAF; RG 472; NACP.

⁵¹⁴ The document titled “Correspondents who were Investigated for Breaking Ground Rules and either were not Suspended or the Suspension was Overridden”; “Correspondents Accreditation Files (1971) (Disaccreditation)” folder; Box 1; MAF; RG 472; NACP; “Reds Down Plane With 44 Marines,” *Washington Post*, 7 March 1968. The author of this thesis is almost positive that this *Post* article is the one that Eugene Risher wrote. The military got mad at Risher for breaking the story of the search and rescue mission, and the *Post* published the article on the same day that the VC shot down the plane. Also, the *Post* listed no author for the article, but said it was from the “News Dispatches.” This makes sense given that Risher was a member of UPI. Furthermore, the author of this thesis searched other major newspapers, including the *New York Times*, the *Los Angeles Times*, and the *Chicago Tribune*, for a similar article that day and found none.

down seven U.S. planes in North Vietnam. The article mentioned how a VC radio station declared that the VC captured the surviving soldiers, but indicated that the U.S. military had just sent troops to try and get them back.⁵¹⁵

As described earlier, the government got angry with the *New York Times*, *Washington Post*, and other newspapers for articles on the Pentagon Papers, but in terms of national security was concerned about the release of additional information. The government submitted a secret brief to the Supreme Court in *New York Times Co. v. United States* that discussed information in the document that was dangerous.

One type of information that the brief mentioned was descriptions of all the diplomatic efforts that the government was making with other countries to end the war. Without much elaboration, the brief said that publication of some of the efforts “might be offensive to nations or governments” and could lengthen the war.⁵¹⁶ Another type of information was the names of CIA agents working in the Vietnam region and details of their operations. The brief said that reporting this information would be similar to reporting troop movements.⁵¹⁷ A third type of information was information on negotiations that the United States was having with unfriendly nations to get North

⁵¹⁵ “7 U.S. Aircraft Downed, Pilots Killed or Seized, Hanoi Says,” *Los Angeles Times*, 17 February 1972; Hammond, *Military and the Media, 1968-1973*, *op. cit.*, 527-28. In addition to all of these times that the military got angry at members of the press, there were other articles that disclosed the movement of South Vietnamese troops that had American advisers with them. Two AP correspondents wrote one of these articles, which divulged that about 20,000 South Vietnamese troops were just about to invade Quang Tri Province, an area that the VC had recently captured. (Richard Pyle, e-mail correspondence with author, 27 May, 2007). According to Richard Pyle, then-AP Burea Chief in Saigon, the South Vietnamese troops may have already begun fighting the VC when the story broke. Nevertheless, he conceded that the article violated the Ground Rules. (William M. Hammond, “Who Were the Saigon Correspondents and Does it Matter?,” *The Joan Shorenstein Center on the Press, Poltics and Public Policy: Working Paper Series*, Harvard University, 2000, 31-32 available at http://www.ksg.harvard.edu/shorenstein//research_publications/papers/working_papers/2000_8.PDF (as of 20 June 2007)). Other articles that disclosed South Vietnamese troop movements included one article by George Esper (AP), another article by Kim Willenson (UPI), and a third article by Veronique Decondu (UPI)—all also in 1972. (William M. Hammond, e-mail correspondence with author, 21 May 2007).

⁵¹⁶ Sims, “Triangulating the Boundaries,” *op. cit.*, 379-380.

⁵¹⁷ *Ibid.*, 382.

Vietnam to release American POW's. Any leaks on the negotiations, the brief maintained, could break them down and lead to prolonged agony and even death for some POW's.⁵¹⁸ Of course, however, the arguments of the government failed to convince the Court to block articles on the Pentagon Papers.

Even though the U.S. military was involved in combat in Vietnam for over ten years, there were relatively few times that members of the press could have violated national security.⁵¹⁹ The noteworthy times that the military got angry with members of the press dealt with either the revelation of troop movements or military plans. The press made such revelations in World War I and World War II. Regardless of the slip-ups by the press in Vietnam, however, the military and press remained in agreement as to what information could hurt security.

In the Vietnam War, the press was freer from governmental or military control than in World War I or World War II. The U.S. government did not use any of its old broad controls, and the military refused to impose censorship of press communications or dispatches through a system of review. Yet, there was always the possibility that the government would use the Espionage Act against members of the press. Most war correspondents usually agreed with the rules of voluntary censorship, as they had done in the past. The rules, however, only protected the military, breaking with the past rules of having protections of U.S. civilians, the homeland, the president, and diplomatic efforts of the government. Also, there were no more flexible rules. The military wanted other types of information to remain secret, including information on new war

⁵¹⁸ Ibid., 394. For other discussion of the government's secret brief in *New York Times Co.*, see Rudenstine, *The Day the Presses Stopped*, *op. cit.*, 266-272.

⁵¹⁹ Hammond, "Who Were the Saigon Correspondents, and Does it Matter?," in *War, Military and Media from Gutenberg to Today*, *op. cit.*, 98.

materials/weapons, the movement of the president in Vietnam, and details of the experiences of American POW's. Of course, the rules of voluntary censorship in the past wars covered these types of information. As in World War I and World War II, there were still times when the press committed security violations.

VIII. War on Terrorism

After September 11, 2001, President George W. Bush made no efforts to censor the press. He did indicate, however, that the government would under certain circumstances withhold information from the press. Bush told reporters that "...this administration will not talk about any [military] plans that we may or may not have. We will not jeopardize in any way, shape or form, anybody who wears the uniform of the United States."⁵²⁰ Surely this was a legitimate restriction on information, but at times the Bush administration has restricted press access to other types of governmental information.

For instance, the government refused to give the press access to its photographs of the coffins of dead U.S. soldiers returning from the War in Iraq. The government said that this refusal was done in sensitivity to the families of the deceased, but the press said it was meant to prevent criticism of the war.⁵²¹ After about two years, though, the government caved in and gave the press many of its photographs.⁵²² The government also tried to block the press from getting documents related to military trials of suspected terrorists as well as photographs that showed U.S. soldiers abusing detainees in the Iraqi prison called Abu Ghraib. However, in both cases federal judges ruled that the government violated the Freedom of Information Act,⁵²³ which Congress passed to give

⁵²⁰ President, Remarks, "Remarks to Employees in the Dwight D. Eisenhower Executive Office Building and an Exchange with Reporters," *Weekly Compilation of Presidential Documents* 37, no. 38 (September 24, 2001): 1326.

⁵²¹ Jane E. Kirtley, "Transparency and Accountability in a Time of Terror: The Bush Administration's Assault on Freedom of Information," *Communication Law and Policy* 11 (2006): 499.

⁵²² *Ibid.*, 500.

⁵²³ *Ibid.*, 501.

members of the press and public access to government documents.⁵²⁴ Therefore, the government handed over the documents and photos to the press.⁵²⁵ According to scholar Frederick Schauer, by blocking such requests for information the Bush administration has hindered the press from conducting oversight of governmental and military affairs.⁵²⁶ As mentioned earlier, however, the Supreme Court held that the First Amendment gives the press no right to access governmental information.⁵²⁷

When the U.S. military launched operations in Afghanistan in October 2001, the military blocked nearly all press access to cover these events in their initial stages. The military prevented reporters from traveling with special operation units on the ground, visiting land or sea bases, and boarding the *Kitty Hawk*, which was an aircraft carrier that the military used to launch many operations. Also, reporters could not go on air strikes or approach U.S. forces that were stationed in countries near Afghanistan, including Pakistan, Omar, and Uzbekistan.⁵²⁸ The military said that it blocked press access because the operations were especially covert and because the nations near Afghanistan that were helping the United States did not want public attention.⁵²⁹

The press had some access to cover the operations, although war correspondents had to agree to rules of voluntary censorship (as in the Vietnam War, technically the rules have not applied to the domestic press). In November 2001, the military allowed a few

⁵²⁴ David M. O'Brien, "Freedom of Information, Privacy, and Information Control: A Contemporary Administrative Dilemma," *Public Administration Review* 39, no. 4 (July - Aug., 1979): 323-24.

⁵²⁵ Kirtley, "Transparency and Accountability," *op. cit.*, 501.

⁵²⁶ Schauer, "Dilemma of Access," *op. cit.*, 259.

⁵²⁷ *Houchins v. KQED, Inc.*, *op. cit.*, 15-16; Schauer, "Dilemma of Access," *op. cit.*, 260-261.

⁵²⁸ Neil Hickey, "Access Denied," *Columbia Journalism Review* 40, no. 5 (January/February 2002): 26; Christopher Paul and James J. Kim, *Reporters on the Battlefield: The Embedded Press System in Historical Context* (Santa Monica, CA: RAND Corporation, 2004), 50-51, available at http://www.rand.org/pubs/monographs/2004/RAND_MG200.pdf (as of 12 June 2007); Nina J. Easton, "Blacked Out," *American Journalism Review* 24, no. 2 (March 2002): 37.

⁵²⁹ Michael R. Gordon, "Military is Putting Heavier Limits on Reporters' Access," *Washington Post*, 20 October 2001; Paul and Kim, *Reporters on the Battlefield*, *op. cit.*, 50; Easton, "Blacked Out," *op. cit.*, 38.

correspondents to accompany Marines in their invasion of a southern point in Afghanistan.⁵³⁰ Later, several correspondents got to travel with special operation units and witnessed multiple attacks on Taliban and al Qaeda forces.⁵³¹ Also, about 40 correspondents went on the *USS Enterprise* and other naval vessels, which were on standby for action.⁵³² However, even with this limited access U.S. soldiers sometimes obstructed correspondents on the battlefield. For instance, soldiers once locked correspondents in a warehouse so that they could not cover a friendly-fire incident that resulted in the death of three men.⁵³³ Correspondents always had the option of roaming freely in Afghanistan without the protection of the U.S. military, which some reporters chose to do, but this was extremely dangerous.⁵³⁴

Despite this situation in Afghanistan, the press had nearly unlimited access to cover the War in Iraq. In fact, the military embedded many correspondents in different troop units when the war began, and correspondents could cover the activity around them.⁵³⁵ In addition, some correspondents could attend meetings that involved military planning.⁵³⁶ The correspondents, however, as in past wars, had to agree to rules of voluntary censorship (again, the rules technically have not applied to the domestic press). The military said it would temporarily block a story if it would risk security, but there

⁵³⁰ Hickey, "Access Denied," 26, 28; *Homefront Confidential: How the War on Terrorism Affects Access to Information and the Public's Right to Know*, Sixth Edition, A Project of the Reporters Committee for Freedom of the Press, eds. Lucy A. Dalglish and Gregg P. Leslie, September 2005, 22, available at http://www.rcfp.org/homefrontconfidential/Homefront_Confidential_6th.pdf (as of June 11, 2007).

⁵³¹ Easton, "Blacked Out," *op. cit.*, 36.

⁵³² *Homefront Confidential*, *op. cit.*, 21; Easton, "Blacked Out," *op. cit.*, 37.

⁵³³ Hickey, "Access Denied," 27; *Homefront Confidential*, *op. cit.*, 21-22.

⁵³⁴ Easton, "Blacked Out," *op. cit.*, 37-38; *Homefront Confidential*, *op. cit.*, 21-22.

⁵³⁵ Paul and Kim, *Reporters on the Battlefield*, *op. cit.*, 53-54; *Homefront Confidential*, *op. cit.*, 22.

⁵³⁶ Secretary of Defense, *Public Affairs Guidance (PAG) on Embedding Media During Possible Future Operations/Deployments in the U.S. Central Commands (CENTCOM) Area of Responsibility (AOR)*, United States Department of Defense Website, February 2003, available at <http://www.defenselink.mil/news/Feb2003/d20030228pag.pdf> (as of 12 June 2007), *Homefront Confidential*, *op. cit.*, 17-18.

was never any broad censorship of press dispatches.⁵³⁷ As with correspondents in Afghanistan, correspondents in Iraq have been able to roam freely in the country at their own risk.⁵³⁸ All together, hundreds of U.S. correspondents did this during major operations, while roughly 600 other ones embedded with U.S. troops.⁵³⁹

So far in the War on Terrorism, the government and military have exerted few controls on the press. Certainly, press criticism has been vigorous. Only three controls stand out: refusing the requests of some reporters to access government documents, rules of voluntary censorship, and restricting access to war operations in Afghanistan. As discussed earlier, though, there has also been the possibility of prosecuting members of the press under the Espionage Act. The extent of all these controls, however, is a far cry from the extent of the controls put in place in past wars. Aside from the Espionage Act, there have been no broad governmental controls from World War I or World War II, let alone attempts by the government to control select members of the press (e.g. block the publication of articles), as seen in the Vietnam War. No court has found that controls in the War on Terrorism have violated the First Amendment.

A. Information that the Military and Press Agreed Could Violate National Security

Most members of the press strongly agreed with the rules of voluntary censorship for the wars in Afghanistan and Iraq, although, as mentioned, technically the rules only applied to war correspondents, not the domestic press.⁵⁴⁰ Many of the types of

⁵³⁷ *Public Affairs Guidance (PAG) on Embedding Media, op. cit.*

⁵³⁸ *Homefront Confidential, op. cit.*, 21.

⁵³⁹ Paul and Kim, *Reporters on the Battlefield, op. cit.*, 54-55; Richard Leiby, “‘Unilaterals,’ Crossing Lines; Reporters Who Venture Out on Their Own Can Find the Going Deadly,” *Washington Post*, 23 March 2003.

⁵⁴⁰ Paul and James J. Kim, *Reporters on the Battlefield, op. cit.*, 53, 56.

information in the rules were the same or very similar to the types that the military banned during the Vietnam War. These types of information included intelligence collection activities (e.g. tactics, techniques, or procedures), troop movements, the rules of engagement, and tactical deployments or operations (e.g. air operations, the angles and speeds of attack, and evasive maneuvers). Also included was information on postponed or canceled operations, future operations, the number of troops (although in Iraq, below CORPS or MEF levels), as well as statistics on equipment or critical supplies (e.g. artillery, tanks, and radars).

In Iraq but not Afghanistan, the military banned information on search and rescue missions and the effectiveness of *enemy* camouflage, cover, deception, targeting, direct and indirect fire, intelligence collection, and security measures. The types of information in the rules from the Vietnam War that the military dropped for the wars in Afghanistan and Iraq were the number and type of casualties suffered by troops, the number of air strikes, the amount of ammunition expended during strikes, and information on aircraft that were conducting strikes.⁵⁴¹

There were a few types of information that the military banned during the wars in Afghanistan and Iraq that, although overlooked for the Vietnam War, the military banned in World War I or World War II. For example, in both Afghanistan and Iraq the press could not mention the location of troops. In Iraq only, the press could also not disclose the number of aircraft (below Air Expeditionary Wing level) or warships (below the carrier battle group level). Nevertheless, there were a couple of things in the rules for the wars in Afghanistan and Iraq that were entirely new, including information on the

⁵⁴¹ *Public Affairs Guidance (PAG) on Embedding Media, op. cit.*; Regional Command East (Bagram Air Field, Afghanistan), *Media Ground Rules*, 3 March 2007, the Office of the Assistant Secretary of Defense for Public Affairs gave the author of this thesis a copy of the rules via e-mail on 21 June 2007.

effectiveness of enemy electronic warfare and information regarding force protection measures at military installations or encampments. In Afghanistan only, the military further restricted information on special combat units (unless released by the government or military) and mention of the names of military installations.⁵⁴²

As in the Vietnam War, the rules of voluntary censorship only protect the military. No rules protect U.S. civilians or the homeland, even though terrorists are a direct danger to U.S. civilians. This current threat to security from terrorists is similar to the threat posed by enemy planes, submarines, and saboteurs in World War I and World War II. Also, no rules protect the president or diplomatic efforts of the government or are flexible.

B. When the Government or Military Got Upset with Members of the Press

So far since September 11, the government has accused members of the press of violating national security two major times. The first time was when, as referred to earlier, the *New York Times* published an article titled “Bush Lets U.S. Spy on Callers Without Courts,” which divulged that the government has been secretly monitoring international phone calls and e-mails going between persons in the United States (not necessarily U.S. citizens) and suspected al Qaeda members (“for example...calls from someone in New York to someone in Afghanistan.”). Toward the beginning of the article, the *Times* noted that it refrained from disclosing some details of the monitoring program that the government wanted secret.⁵⁴³ Nevertheless, the article made some controversial revelations.

⁵⁴² Ibid.

⁵⁴³ Risen and Lichtblau, “Bush Lets U.S. Spy on Callers,” *op. cit.*

As one example, the article said that the government has a running list of phone numbers and e-mail addresses of al Qaeda members that it uses to target its monitoring. The article mentioned how the government started this list by sifting through the personal belongings of captured members of al Qaeda, including their computers, cell phones, and personal phone directories, and that “hundreds, perhaps thousands, of people in the United States” are on the list. Also, the article disclosed that the government monitors the communications of about 500 people in America at “any given time,” while doing this to about 5,000 to 7,000 suspected terrorists overseas. Furthermore, the article mentioned how the government would often track the phone calls and e-mails of persons who contacted phone numbers or e-mail addresses on the running list, thereby “creating an expanding chain” of surveillance.⁵⁴⁴ President Bush, who had asked the paper not to print the article,⁵⁴⁵ said it “damage[d] our national security and pu[t] our citizens at risk”⁵⁴⁶ and that “discussing the [monitoring] program is helping the enemy.”⁵⁴⁷ Other members of the White House said that the disclosures ruined the effectiveness of the program.⁵⁴⁸

The *New York Times* said that it revealed the program mainly because it was an encroachment on civil liberties and possibly violated the law.⁵⁴⁹ In fact, most of the article was about these issues. The article alluded to the fact that the Constitution, for instance, says that the government usually needs to get a court warrant before it can do things like monitor Americans’ phone calls. Also, the article described how the Foreign

⁵⁴⁴ Risen and Lichtblan, “Bush Lets U.S. Spy on Callers,” *op. cit.*

⁵⁴⁵ Keller, “Letter from Bill Keller,” *op. cit.*; Joe Hagan, “The United States of America vs. Bill Keller,” *New York Magazine Website*, available at <http://nymag.com/news/media/20334/> (as of 15 June 2007).

⁵⁴⁶ President, Radio Address, “The President’s Radio Address: December 17, 2005,” *op. cit.*, 1881.

⁵⁴⁷ President, News Conference, “The President’s News Conference: December 19, 2005,” *Weekly Compilation of Presidential Documents* 41, no. 51 (December 26, 2005): 1887.

⁵⁴⁸ Risen and Lichtblan, “Bush Lets U.S. Spy on Callers,” *op. cit.*

⁵⁴⁹ *Ibid.*; Keller, “Letter from Bill Keller,” *op. cit.*

Intelligence Surveillance Act (FISA) of 1978 said that the government must get warrants from a special national security court called the FISA court to spy on Americans suspected of being terrorists.⁵⁵⁰

However, the government maintained that the program is legal and constitutional. The program is legal, the government said, because of the Authorization for Use of Military Force (AUMF), which gave the president the power to “use *all* [emphasis added] necessary and appropriate force” against anyone connected to September 11 “...to prevent any future acts of...terrorism against the United States.” Throughout U.S. history, a part of warfare has been to spy on the enemy, so AUMF must allow the monitoring program. Also, FISA has an exception that says the government can spy on Americans suspected of being terrorists without a warrant if a later law, such as AUMF, permits such action. The government argued that the program is constitutional by saying that the Constitution gives the president the power to protect the country.⁵⁵¹ Debate on these issues, however, has been ongoing.⁵⁵² In August 2007, President Bush signed a law

⁵⁵⁰ Risen and Lichtblau, “Bush Lets U.S. Spy on Callers,” *op. cit.*

⁵⁵¹ David Johnston and Neil A. Lewis, “Defending Spy Program, Administration Cites Law,” *New York Times*, 23 December 2005; Brian D. Boyle, “Seller’s Remorse? The Authorization for Use of Military Force in the NSA Surveillance Debate,” *National Security Law Report* 28, no. 1 (March 2006): 1, 3-4; Richard W. Stevenson and Adam Liptak, “Cheney Defends Eavesdropping Without Warrants,” *New York Times*, 21 December 2005; *Prepared Remarks for Attorney General Alberto R. Gonzales at the Georgetown University Law Center*, 24 January 2006, U.S. Department of Justice Website, available at <http://www.usdoj.gov/ag/readingroom/surveillance15.pdf> (as of 15 June 2007); *Legal Authorities Supporting the Activities of the National Security Agency Described by the President*, 19 January 2006, U.S. Department of Justice Website, available at <http://www.usdoj.gov/opa/whitepaperonnsalegalauthorities.pdf> (as of 15 June 2007); *Prepared Statement of Honorable Alberto R. Gonzales, Attorney General of the United States*, 6 February 2006, U.S. Department of Justice Website, available at http://www.usdoj.gov/ag/speeches/2006/ag_speech_060206.html (as of 15 June 2007).

⁵⁵² For a great debate on these and other issues involving the government’s monitoring program, see *National Security Law Report* 28, no. 1 (March 2006): 1-16.

allowing the NSA monitoring program to temporarily continue without FISA-issued warrants.⁵⁵³

The other time that the government got upset with the press was when the *New York Times*, *Los Angeles Times*, and the *Wall Street Journal* disclosed how the government was secretly tracking records of the financial transactions of suspected terrorists. The *New York Times* titled its article “Bank Data Sifted in Secret by U.S. to Block Terror.” The article said that the government’s source for all the records was the Society for Worldwide Interbank Financial Telecommunications (SWIFT), which is a banking consortium that documents an enormous number of financial transactions around the world. Before September 11, the article noted, most government officials were unaware of its existence, and that it was “the ‘Rosetta Stone’ for financial data.”⁵⁵⁴

The article noted that the government has viewed the international transactions of thousands of suspected terrorists in the United States and tens of thousands of them worldwide. In addition, the article described methods that the government has uses to track the data. For instance, the article said that the government uses information from intelligence reports to guide its examination of records and gets “customers’ names, bank account numbers, and other identifying information” from them as well as “description[s] of the asset[s] being transferred.” The article also said that the records are several weeks old by the time the government examines them, further tipping off terrorists.⁵⁵⁵

The article by the *Los Angeles Times* was perhaps the most revealing of all the articles. The article noted that the SWIFT records contain the addresses of the parties involved in each transaction and that the government uses such information to thwart

⁵⁵³ James Risen, “Bush Signs Law to Widen Reach of Wiretapping,” *New York Times*, 6 August 2007.

⁵⁵⁴ Risen and Lichtblan, “Bush Lets U.S. Spy on Callers,” *op. cit.*

⁵⁵⁵ *Ibid.*

imminent attacks. The U.S. Department of Treasury, the article described, initially examines the records and then shares them with the CIA, FBI, and other agencies. The article said that the terrorists that the government is most likely to catch with the SWIFT program are “lower and mid-level terrorist operatives and financiers who believe they have not been detected, and militant groups such as Hezbollah, Hamas, and Palestinian Islamic Jihad...” Then, the article described how the government uses a technique called “link analysis” to identify other persons who have financial connections to suspected terrorists. The article said that all their information “is...mapped and analyzed to detect patterns, shifts in strategy, specific ‘hotspot’ accounts, and locations that have become new havens for terrorist activity.”⁵⁵⁶ The article in the *Wall Street Journal* divulged things mentioned in the other articles, but was much shorter.⁵⁵⁷

These articles outraged numerous government officials. President Bush declared that the articles “d[o] great harm to the United States”⁵⁵⁸ and that it would now be “harder to win this war on terror.”⁵⁵⁹ Vice President Dick Cheney said that the SWIFT program was “vital [to] national security” and would lose its effectiveness.⁵⁶⁰ A majority of the House of Representatives declared that the articles made “Americans [more vulnerable]

⁵⁵⁶ Josh Meyer and Greg Miller, “U.S. Secretly Tracks Global Bank Data,” *Los Angeles Times*, 23 June 2006.

⁵⁵⁷ Glenn R. Simpson, “Treasury Tracks Financial Data In Secret Program,” *Wall Street Journal*, 23 June 2006.

⁵⁵⁸ Peter Baker, “Surveillance Disclosure Denounced; ‘Disgraceful,’ Says Bush of Reporters,” *Washington Post*, 27 June 2006.

⁵⁵⁹ Stolberg, “Bush Condemns Report,” *op. cit.*

⁵⁶⁰ Risen and Lichtblau, “Bush Lets U.S. Spy on Callers,” *op. cit.*; Baker, “Surveillance Disclosure Denounced,” *op. cit.*; House Financial Services Subcommittee on Oversight and Investigations, *Testimony of Stuart Levey, Under Secretary of the U.S. Department of Treasury, on Terrorism and Intelligence*, 109th Congress, 11 July 2006, Department of the Treasury Website, available at <http://www.treas.gov/press/releases/hp05.htm> (as of 16 June 2007).

to the threat of future terrorist attacks,⁵⁶¹ while Congressman Peter King called for the government to charge the *New York Times* with violating the Espionage Act.⁵⁶² John Snow, the Secretary of the U.S. Department of the Treasury, added that the *New York Times*, in particular, was “irresponsible and harmful to the security of Americans.” For two months, he had tried to convince the newspaper not to run the story.⁵⁶³ John Negroponte, the Director of National Intelligence, began organizing a study to determine if the articles about SWIFT (as well as the *New York Times* article on the monitoring of international communications) negatively impacted the ability of the government to fight the war.⁵⁶⁴

The newspapers said that the articles were necessary to inform Americans that the government was possibly violating a privacy law called the Right to Financial Privacy Act of 1978 and charged that there was improper oversight of the program. For instance, only a few members of Congress knew about it. The newspapers were also concerned that the program conflicted with international standards of banking.⁵⁶⁵ The government said that the program did not violate the privacy law because it has an exception that permits the government to examine financial records of Americans in a national security crisis. Also, President Bush invoked the International Emergency Economic Powers Act of 1977, which allows the government to conduct such examinations when there are

⁵⁶¹ Carl Hulse, “House Assails Media on Disclosing the Tracking of Finances,” *New York Times*, 30 June 2006; Gabriel Schoenfeld, “What to Do About Leaks?,” *National Security Law Report* 28, no. 3 (September 2006): 1.

⁵⁶² Delvin Barrett, “Lawmaker Wants Times Prosecuted,” *Washington Post*, 26 June 2006.

⁵⁶³ “Bank Data Report: Treasury Dept.’s View,” *New York Times*, 29 June 2006.

⁵⁶⁴ Scott Shane, “Behind Bush’s Fury, a Vow Made in 2001,” *New York Times*, 29 June 2006.

⁵⁶⁵ Risen and Lichtblau, “Bush Lets U.S. Spy on Callers,” *op. cit.*; Meyer and Miller, “U.S. Secretly Tracks Global Bank Data,” *op. cit.*; Simpson, “Treasury Tracks Financial Data In Secret Program,” *op. cit.*; Keller, “Letter from Bill Keller,” *op. cit.*; Dean Baquet, “Why We Exposed the Bank Secret,” *Los Angeles Times*, 27 June 2007; Dean Baquet and Bill Keller, “When Do We Publish a Secret?; How the Press Balances National Security with Its Mission to Report the News,” *Los Angeles Times*, 1 July 2006.

security interests. The government said that the program has many safeguards to prevent abuse, including an external auditing firm that reviews the validity of each examination, the presence of SWIFT employees beside government officials as they do the examinations, and the practice of government officials in keeping a record of every examination as well as the justification for it.⁵⁶⁶

During the War in Iraq, the military got angry at the press a few times for violating security. One time, Phil Smucker, a correspondent for the *Christian Science Monitor*, gave a news update on the *Central News Network (CNN)* from the frontlines. Initially, the correspondent just said that he was with the First Division of the Marines and that they were engaged in light artillery fire. However, he proceeded to disclose their location. Smucker said, “We’re about 100 miles south on the main highway... between the Tigris and Euphrates River in the direction of Baghdad... right across from Najab.”⁵⁶⁷ After the broadcast, military police seized many of his belongings and held him incommunicado for two days. Then, the military banished him from Iraq.⁵⁶⁸

Another time involved *Fox News* correspondent Geraldo Rivera. In a March 2003 broadcast from Iraq, Rivera drew a map of the country in the sand where he was standing for his viewers. Saying that he was with the Army’s 101st Airborne unit, Rivera marked their current location and identified their destination for an operation later that day. The

⁵⁶⁶ Risen and Lichtblau, “Bush Lets U.S. Spy on Callers,” *op. cit.*; Meyer and Miller, “U.S. Secretly Tracks Global Bank Data,” *op. cit.*; Simpson, “Treasury Tracks Financial Data In Secret Program,” *op. cit.*; House Financial Services Subcommittee, *Testimony of Stuart Levey*, *op. cit.*

⁵⁶⁷ Transcript, “CNN Live at Daybreak: Iraqi TV Back in Action,” aired 26 March 2006, *CNN Website*, available at <http://www.transcripts.cnn.com/TRANSCRIPTS/0303/26/lad.12.html> (as of 17 June 2007)

⁵⁶⁸ Howard Kurtz, “Unembedded Journalist’s Report Provokes Military Ire,” *Washington Post*, 27 March 2006; Judith Sylvester and Suzanne Huffman, *Reporting from the Front: The Media and the Military* (Lanham, MD: Rowman & Littlefield, 2005), 190-91.

military said that “[h]e gave away the big picture stuff” and forced *Fox News* to remove him from Iraq.⁵⁶⁹

The final time occurred when *The Patriot-News* published an article by Brett Lieberman titled “Echo Girds for Solo Guard Duty.” The article described the military plans of the 2nd Battalion, 25th Marines. For instance, the article said that the battalion would be securing the city of Nasiriyah in the upcoming months, although the battalion would “be spread thin.” The article also mentioned that the battalion would be short on equipment, including tanks and light armored vehicles, as well as food and water, but would visit a nearby military base called Tallil Air Base to get assistance. The military would most likely refrain from organizing a local police force in Nasiriyah, the article continued, until the battalion would get more support. The article further described how the headquarters of the battalion, which had been on the perimeter of the city, might move closer to the center, even though this could put the Marines in more danger.⁵⁷⁰ Although other military personnel said that the article did not violate security, Lieutenant Colonel Robert Murphy requested that Lieberman leave Iraq.⁵⁷¹

These stories from the War in Iraq that could have violated security revealed a troop location, a troop movement, and some military plans, but this was nothing new given the past wars. Yet, to have the *New York Times* and other newspapers divulge the

⁵⁶⁹ David Carr, “Pentagon Says Geraldo Rivera Will Be Removed From Iraq,” *New York Times*, 1 April 2003; Sylvester and Huffman, *Reporting from the Front*, *op. cit.*, 191.

⁵⁷⁰ Brett Lieberman, “Echo Girds for Solo Guard Duty,” *The Patriot-News Website*, available at <http://www.pennlive.com/iraq/echo/index.ssf?iraq/stories/brett29.html> (as of 17 June 2007).

⁵⁷¹ “Story Dispute Forces Reporter to Leave Iraq,” *The Patriot-News Website*, available at <http://www.pennlive.com/iraq/echo/index.ssf?iraq/stories/brett33.html> (as of 17 June 2007); Sylvester and Huffman, *Reporting from the Front*, *op. cit.*, 191-192. Between 2004 and 2005, the military kicked five other reporters out of Iraq for security violations. However, for privacy concerns the military has refused to identify the reporters or other information about the violations, except that all of the reporters were television broadcasters (David McWilliams, telephone conversation with author, 13 June 2007). See *Homefront Confidential*, *op. cit.*, 27.

methods and other sensitive details of intelligence gathering programs of the government was largely unprecedented for a major war. The only other noteworthy time occurred in World War I, when an article in the *Washington Herald* disclosed a few details about the government's monitoring of the mail and phone calls of German spies. It is true, however, that throughout the major wars the press has never promised to withhold information about the intelligence activities of civilian agencies, such as the NSA or CIA.⁵⁷²

In the War on Terrorism, the press has been freer from governmental or military control than in any of the past wars. The government has not even tried to control select members of the press, which the government did during the Vietnam War. Consistent with all of the other wars, most members of the press agreed with the rules of voluntary censorship. The rules, as in Vietnam, only protected the military, not U.S. civilians, the homeland, the president, or diplomatic efforts. Also, no rules were flexible. Nevertheless, the government wanted other types of information besides those in the rules to be kept secret for security reasons, particularly the methods of tracking terrorists. As in all the wars, members of the press, according to government and military officials, still committed several security violations.

⁵⁷² William Hammond, e-mail correspondence with author, 5 June 2007; David McWilliams, telephone conversation with author, 13 June 2007.

IX. Conclusion

Considering all the wars, the press generally became freer from governmental and military control in each subsequent war. In World War I, members of the press dealt with broad governmental and military controls, including laws banning sedition and the censorship of many press publications, dispatches, and communications. The government used the sedition laws to prosecute and revoke the mailing permits of numerous small publications. However, in World War II the government and military, although possessing the power to implement nearly all of the same controls seen in World War I, chose to be more reserved in using them. For instance, there were fewer prosecutions of members of the press for sedition than in the previous war and fewer revocations of mailing permits.

By the Vietnam War, the government had just two broad controls on the press. For one, U.S. presidents occasionally gave false information to or withheld information from the press about the war. Also, there was the possibility that the government would use the Espionage Act against members of the press (although the government never did). Aside from this law, there were no broad governmental controls on the press from World War I or World War II. On only several occasions, the government tried to control select members of the press, as it did by launching investigations of reporters and temporarily blocking the publication of articles in the *New York Times*, *Washington Post*, and other newspapers about the Pentagon Papers. Furthermore, unlike the previous wars the military never censored correspondents through a system of review. In World War II and the Vietnam War, however, there was always the prospect of increased control of the press. In World War II, the government could have invoked the Communications Act of

1934 to seize control of radio stations or, in the opinion of Attorney General Francis Biddle, censored domestic radio broadcasts. According to scholar David Wise, during the Vietnam War any of the presidents could have ordered the censorship of international publications, radio or television broadcasts, and press communications.

So far in the War on Terrorism, the government has simply blocked press access to some governmental information. The government has made no efforts to control select members of the press (e.g. by launching governmental investigations of reporters), as the government did in the Vietnam War, even though the possibility remains that the government could prosecute members of the press under the Espionage Act. Unlike the Vietnam War, however, the military blocked press access to cover many operations (i.e. most of the initial ones in Afghanistan). Nevertheless, press access greatly increased for covering operations in Iraq. There have only been three controls on the press in every major war, including the Espionage Act, rules of voluntary censorship (whether for the domestic press, war correspondents, or both), and blocking of the access to cover war operations.

There could be many reasons why the press has become freer in wartime over the years. For one, after World War I the American public and government officials began to place greater importance on civil liberties,⁵⁷³ setting a trend for lessening controls on the press in wartime. Also, as the United States escalated the Vietnam War, the Supreme Court said that laws against sedition were unconstitutional,⁵⁷⁴ thereby deterring Congress from passing such a law(s) then and in the future. Additionally, the advent of television and online media made the censorship of war correspondents nearly impossible in the

⁵⁷³ Stone, *Perilous Times*, *op. cit.*, 236.

⁵⁷⁴ *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964): 14-16.

Vietnam War and so far in the War on Terrorism—there has simply been too much material to monitor. Furthermore, large scale censorship of war correspondents requires an enormous bureaucracy, and at least since World War II, the government and military decided that censoring correspondents is not worth the expense. Finally, the government and military may have wanted to avoid the press criticism that could result from imposing broad controls like the censorship of international publications, dispatches, and communications of the domestic press.

Throughout all the wars, the government and military wanted the press to refrain from reporting many types of information for reasons of national security. Most members of the press agreed with the importance of nearly all the types of information, which the government or military compiled into rules of voluntary censorship. Typically, the rules protected the military from harm, as opposed to U.S. civilians or the homeland. The reason is that all the wars have involved the sending of U.S. troops to fight overseas, and the homeland was far from the war zones. So, for instance, rules banned such things as the mentioning of the duties assigned to special combat units, the location of warships, and information on experiments or inventions in military weapons/materials, as well as details of search and rescue (SAR) missions and the protection measures at military installations or encampments.

However, in World War I and World War II there were several rules that protected U.S. civilians and the homeland. For example, there were rules against revealing the location of fixed land defenses in the United States, bomb shelters, and new factories for war materials; weather forecasts; plans of defense against and countermeasures to enemy attacks on the homeland; and details of the damage that the

enemy inflicted on U.S. military targets in the United States. The country needed such rules because it was vulnerable to possible attacks by German or Japanese planes, submarines, or saboteurs. Every rule of voluntary censorship in the Vietnam War and so far in the War on Terrorism has focused on protecting the military—no rules addressed the safety of civilians or the homeland. Of course, this arrangement made sense for the Vietnam War, as the VC had no means of launching offensive operations against the continental United States. But for the War on Terrorism the arrangement is problematic because U.S. civilians are in the direct danger of terrorists.

In each war, the government or military wanted other information kept secret for security reasons besides the types of information that the press agreed to in the rules of voluntary censorship. For example, in World War I and World War II the government classified the methods of mail censorship as top secret. In the Vietnam War, the military wanted no mention of information on war materials, the travels of the U.S. president in Vietnam, and the experiences of U.S. soldiers who had been POW's. So far in the War on Terrorism, the government sought to prevent reports on its intelligence collection programs that track terrorists.

Considering all the rules of voluntary censorship in the wars, there is little consensus between the government, military, and press about the types of information in wartime that could violate security. Only five types of information were in the rules of voluntary censorship in each war, including information on military operations (past, present, or future), the number of troops/size of friendly forces, the movement of troops or warships, statistics on critical war supplies, and the effectiveness of enemy weapons and attacks. (See Appendix 1 for the trends in the types of information in the rules of

voluntary censorship throughout the wars). Several types of information were in the rules for three of the four wars, including the location of troops; the operations and methods of U.S. intelligence or counterintelligence in war zones; the location of overseas bases or fortifications/fixed land defenses in the United States; and tactical proceedings, deployments, or operations.

Usually, the government, military, and press agreed on a type of information for just one or two wars. For example, World War I was the only war that the press could not report the activities of the Secret Police, while the Vietnam War had several rules that were unique to that conflict, including bans on revealing the number and type of casualties suffered by troops, the number of air strikes, and the amount of ammunition expended during strikes on enemy lands. Also, in World War I and World War II only the rules banned mention of enemy rumors, the times of departures of merchant ships, and information on harbor defenses. For just the Vietnam War and the War on Terrorism, rules restricted discussion of the details of search and rescue (SAR) missions that were underway. So, although there is only a little consensus over the years between the government, military, and press on the types of information that can violate security in wartime, there are some trends. The simple fact is that warfare and intelligence changes.

In the wars after World War II, the military made major changes to what information the rules of voluntary censorship covered. Of course, the rules ceased to address the safety of U.S. civilians or the homeland. But also, the rules failed to account for the importance of diplomacy to national security. In World War I, the press agreed not to report the movement of official missions through the United States. By World War

II, the press agreed on not mentioning diplomatic negotiations concerning military operations and the movement of diplomatic exchange ships under direction of the State Department. However, since World War II the government, military, and press have not agreed on these rules or similar ones. In addition, no more rules protected the president. This has been surprising, given that the safety of the president was important in World War I and World War II, when rules banned reporting on assassination plots against the president, the activities of the Secret Police, and the movement of the president.

Lastly, after World War II there were no longer flexible rules for the press to follow, including rules banning information that helps the enemy, inaccurate information, information that could embarrass the United States or her allies, or injure the morale of U.S. troops, citizens, or allies. The absence of such rules was evident in the Vietnam War, when the press reported much information that injured morale or was embarrassing to the United States (e.g. the television broadcast showing U.S. Marines burning huts in Cam Ne). In the War on Terrorism, the press has reported numerous stories that had these effects, such as the story on prisoner abuse at Abu Ghraib.

It is clear that in each war many members of the press have balanced their duty to report the news with protecting national security by agreeing to rules of voluntary censorship. In doing so, the members of the press have deferred to the judgment of the government and military on the types of information in wartime that can violate security. Surely, the rules show that there is much more to national security than the Supreme Court described in *Near v. Minnesota*. As discussed earlier, the Court suggested that the only types of information that could be dangerous in wartime included information that

obstructed recruitment, the publication of the sailing dates of transports, and the number and location of troops.

Certainly, members of the press still reported information that the government or military claimed was threatening to security. In fact, this happened several times each war. For instance, in World War I the *Washington Post* published an article about secret details of a new tank, such as how field gunfire can pierce the tank's armor. In World War II, the *Chicago Tribune* reported secret war plans of the government and details about the breaking of the Japanese code of communication. In the Vietnam War, the *Los Angeles Times* disclosed how thousands of U.S. Marines invaded an area controlled by the VC, when the VC may have been unaware of the strength of the invasion.

Such examples show that government and military officials have legitimately gotten angry at members of the press in wartime for possible security violations. Given this trend of occasional violations in wartime by the press, future American wars can expect similar press behavior. The government or military has never proved the exact impact that an offending member of the press has had on national security. As mentioned earlier, the government recently launched a study to see the impact on security of the articles by the *New York Times*, the *Los Angeles Times*, and the *Wall Street Journal* about the governmental programs for tracking suspected terrorists.⁵⁷⁵ The government or the military should continue to take this action in the future, as appropriate, to further guide the press in wartime reporting.

The recent articles on the governmental programs that track terrorists, however, failed to violate the rules of voluntary censorship for the War on Terrorism, let alone any of the rules from past wars. As mentioned, no rules ever banned mention of information

⁵⁷⁵ Shane, "Behind Bush's Fury," *op. cit.*

about the intelligence activities of civilian agencies. Therefore, the articles, in this respect, did not “cross the line.” Nevertheless, the articles reported information that could have directly (although not immediately) endangered the lives of *many* U.S. civilians. The articles may have significantly reduced the effectiveness of the government in shielding the public from terrorists, leaving Americans more vulnerable to attacks. Only one other time in the past wars did a member of the press directly endanger the lives of some U.S. civilians. This occurred in World War I when the *San Francisco Examiner* revealed the military’s secret methods of destroying German submarines and otherwise preventing them from attacking U.S. merchant ships, thereby putting several U.S. merchants in potential danger.

Aside from this incident, government and military officials got angry at members of the press for reporting information that endangered the lives of U.S. soldiers fighting overseas. For example, in World War I the government criticized the *Washington Post* for revealing the tactics that U.S. naval officers were going to use to sink a war vessel that Germans had hijacked, and in the Vietnam War the military punished AP correspondent George Esper after divulging details about an imminent attack against the VC. Therefore, the potential impact of the recent articles by the *New York Times*, the *Los Angeles Times*, and the *Wall Street Journal* on the lives of U.S. citizens is greater than any reports from the other major wars, so in this way those articles are aberrations from the past.

How could members of the press have acted so irresponsibly? Of course, the *New York Times*, the *Los Angeles Times*, and the *Wall Street Journal* said that they just wanted to expose possible abuse by the government of civil liberties. But there may have been

other reasons as well. For instance, a major part of the War on Terrorism is in the United States, and all the past major wars occurred overseas. Therefore, the press may be unacquainted with types of information that could endanger civilians at home. Also, the government failed to devise rules of voluntary censorship for the *domestic* press when the government started the War on Terrorism (although the military had rules for war correspondents in Afghanistan and Iraq), so the domestic press believed that there was no need for restrictions on reporting governmental programs related to the war. Furthermore, as scholar Walter Lippmann once suggested that newspapers could do, the papers calculated that, despite the risk to security, their buying public wanted to read about the programs, thereby increasing their profits.⁵⁷⁶

As mentioned earlier, in the wars after World War II the rules of voluntary censorship have only protected members of the military. They are the ones who went into harm's way. In the War on Terrorism, U.S. civilians as well are in direct danger. The government, therefore, should develop rules of voluntary censorship for the domestic press to protect them. At the very least, the press should make the security of civilians the chief consideration in reporting information, even if government programs raise concerns about the civil liberties of suspected terrorists.

⁵⁷⁶ For this last point, see Walter Lippmann, *Public Opinion* (New York, NY: Free Press Paperbacks, a Division of Simon & Shuster Inc., 1922), 205.

Appendix 1: Types of Information in Wartime that could Violate National Security (agreed upon by the government, military, and press)

Type of Information	World War I	World War II	Vietnam War	War on Terrorism	
				War in Afghanistan	War in Iraq
Military operations (past, present, or future)	✓	✓	✓	✓	✓
Number of troops/size of friendly forces	✓	✓	✓	✓	✓
Movement of troops, warships, or fighter planes	✓	✓	✓	✓	✓
Statistics on critical war supplies (e.g. the number of warships, mines, anti-aircraft defenses, and fighter planes)	✓	✓	✓	✓	✓
Effectiveness of enemy camouflage, cover, deception, direct and indirect fire, intelligence collection, and/or security measures (including the sinking or damaging of U.S war or merchant ships)	✓	✓	✓	✓	✓
Location of troops	✓	✓	✓	✓	✓
Tactical proceedings, deployments, or operations	✓	✓	✓	✓	✓
Operations and methods of U.S. intelligence or counterintelligence used in war zones	✓	✓	✓	✓	✓
Location of overseas bases or fortifications/ fixed land defense in the United States	✓	✓	✓	✓	✓
Details of planned strikes or operations that did not take place (for whatever reason)			✓	✓	✓
Rules of engagement			✓	✓	✓
Information that could help the enemy	✓	✓			
Inaccurate information	✓	✓			
Information that could injure the morale of U.S. troops, citizens, or allies	✓	✓			
Information that could embarrass the United States or her allies	✓	✓			
Enemy rumors	✓	✓			
Location of warships, mines, or anti-aircraft defenses	✓	✓			

Type of Information	World War I	World War II	Vietnam War	War on Terrorism	
				War in Afghanistan	War in Iraq
Experiments or inventions in military weapons/materials	√	√			
Activities on dry docks	√	√			
Time of departures of merchant ships	√	√			
Contents of the cargoes of merchant ships (especially if munitions or other war materials)	√	√			
Information on harbor defenses	√	√			
Secret orders or other secret instructions regarding lights, buoys, and other guides to navigators/ Details of the communications between war vessels/ Secret systems of communication	√	√			
Details of the production of war materials	√	√			
Exaggerations of military activities	√	√			
Plans of the military/ Secret war plans	√	√			
Duties assigned to/any information on special combat units (unless released by government or military)	√			√	
Search and rescue (SAR) missions			√		√
Effectiveness of enemy electronic warfare				√	√
Protection measures at military installations or encampments				√	√
Assassination plots against the president	√				
Activities of the Secret Police	√				
Movement of official missions through the United States	√				
Aircraft and equipment that the government used to train soldiers at aviation schools	√				

Type of Information	World War I	World War II	Vietnam War	War on Terrorism	
				War in Afghanistan	War in Iraq
How the government organized the air force	√				
Location of large supply depots	√				
Systems of defense in war zones	√				
Details of batteries (i.e. divisions of artillery)	√				
Details of posts of observation	√				
Details of the construction of railroad bridges and mines in war zones	√				
Weather forecasts in the United States		√			
Movement of the president or ranking military officials		√			
Number of enlistments		√			
Location of new factories for war materials		√			
Movement of munitions or other war materials through the United States (e.g. oil tank cars and trains)		√			
Details on the identity, confinement, or movement of prisoners of war (POW's) or enemy aliens in internment camps		√			
Damage that the enemy inflicted on targets in the United States		√			
Secret detection devices		√			
Diplomatic negotiations concerning military operations		√			
Details on the enemy's code of communication that the United States has broken		√			
Details on intercepted enemy messages		√			
New international points of communication		√			
Plans of defense against enemy attacks on the homeland		√			
Countermeasures to enemy attacks on the homeland		√			

Type of Information	World War I	World War II	Vietnam War	War on Terrorism	
				War in Afghanistan	War in Iraq
Location of bomb shelters		√			
Location of civilian defense communication control centers		√			
New factory designs for war production		√			
New locations of national archives, art treasures, and so on		√			
Floor plans or arrangements for war production plants		√			
Information concerning the use of secret inks or chemicals or detection of these		√			
Movement of diplomatic exchange ships under direction of the State Department		√			
In reports of forest fires: descriptions of danger areas, weather conditions, activity or methods of saboteurs, organization or placement of special guards, damage or threat of damage to military objectives, or extent of smoke clouds		√			
Number and type of casualties suffered by troops			√		
Number of air strikes			√		
Amount of ammunition expended during strikes on enemy lands			√		
Identification of enemy weapon systems used to down aircraft			√		
Details on aircraft that are conducting strikes			√		
Names of military installations				√	

Bibliography

Archival Collections

National Archives in College Park, Maryland
Committee on Public Information, Record Group 63
Office of Censorship, Record Group 216
Office of Information (MACV), Record Group 472

U.S. Army Center of Military History
MACV Command Histories
Westmoreland Papers

(See footnotes for individual documents)

Personal Communications

Hammond, William M. E-mail correspondence with author, 21 May 2007.

Hammond, William M. E-mail correspondence with author, 5 June 2007.

Pyle, Richard. E-mail correspondence with author, 27 May, 2007.

McWilliams, David. Telephone conversation with author, 13 June 2007.

Stone, Geoffrey. E-mail correspondence with author, 30 May 2007.

Law Cases

Frohwerk v. United States, 249 U.S. 204 (1919).

Gitlow v. New York, 268 U.S. 652 (1925).

Near v. Minnesota, 283 U.S. 697 (1931).

New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

New York Times Co. v. United States, 403 U.S. 713 (1971).

Schenck v. United States, 249 U.S. 47 (1919).

United States Ex. Rel. Milwaukee Social Democratic Pub. Co. v. Burleson, 255 U.S. 407 (1921).

U.S. Ex Rel. Milwaukee Social Democratic Pub. Co. v. Burleson. 255 U.S. 407. (1921).

Whitney v. California, 274 U.S. 357 (1927): 373-74, 376

Government Documents

Cohen, Henry. "Press Restrictions in the Persian Gulf War: First Amendment Implications." *Congressional Research Service Report for Congress*. The Library of Congress, 3 April 1991.

Corwin, Edward S. et al. *War Cyclopaedia: A Handbook for Ready Reference on the Great War* Washington, D.C.: Government Printing Office, 1919.

Elsa, Jennifer K. "Protection of National Security Information," *Congressional Research Service Report for Congress*. The Library of Congress, 30 June 2006.

House Financial Services Subcommittee on Oversight and Investigations. *Testimony of Stuart Levey, Under Secretary of the U.S. Department of Treasury, on Terrorism and Intelligence*. 109th Congress, 11 July 2006. Department of the Treasury Website. Available at <http://www.treas.gov/press/releases/hp05.htm> (as of 16 June 2007).

John F. Kennedy. *Public Papers of the Presidents of the United States, 1961*. Washington, D.C.: U.S. Government Printing Office, 1962.

Legal Authorities Supporting the Activities of the National Security Agency Described by the President. 19 January 2006. U.S. Department of Justice Website. Available at <http://www.usdoj.gov/opa/whitepaperonnsalegalauthorities.pdf> (as of 15 June 2007).

Pentagon Rules on Media Access to the Persian Gulf War: Hearing before the Committee on Governmental Affairs. United States Senate, One Hundred Second Congress, First Session, February 20, 1991. Washington, D.C.: U.S. Government Printing Office, 1991, 824-838.

Prepared Remarks for Attorney General Alberto R. Gonzales at the Georgetown University Law Center. 24 January 2006. U.S. Department of Justice Website. Available at <http://www.usdoj.gov/ag/readingroom/surveillance15.pdf> (as of 15 June 2007).

Prepared Statement of Honorable Alberto R. Gonzales, Attorney General of the United States. 6 February 2006. U.S. Department of Justice Website. Available at http://www.usdoj.gov/ag/speeches/2006/ag_speech_060206.html (as of 15 June 2007).

President. News Conference. "The President's News Conference: December 19, 2005." *Weekly Compilation of Presidential Documents* 41, no. 51 (December 26, 2005): 1885-1896.

President. Radio Address. "The President's Radio Address: December 17, 2005." *Weekly Compilation of Presidential Documents* 41, no. 51 (December 26, 2005): 1880-1884.

President. Remarks. "Remarks to Employees in the Dwight D. Eisenhower Executive Office Building and an Exchange with Reporters." *Weekly Compilation of Presidential Documents* 37, no. 38 (September 24, 2001): 1324-1327.

Regional Command East (Bagram Air Field, Afghanistan). *Media Ground Rules.* 3 March 2007. The Office of the Assistant Secretary of Defense for Public Affairs gave the author of this thesis a copy of the rules via e-mail on 21 June 2007.

Secretary of Defense. *Public Affairs Guidance (PAG) on Embedding Media During Possible Future Operations/Deployments in the U.S. Central Commands (CENTCOM) Area of Responsibility (AOR).* United States Department of Defense Website. February 2003. Available at <http://www.defenselink.mil/news/Feb2003/d20030228pag.pdf> (as of 12 June 2007).

Shea, Dana A. "Balancing Scientific Publication and National Security Concerns: Issues for Congress." *Congressional Research Service Report for Congress*. The Library of Congress, 16 December 2004.

United States Department of State. *Country Report on Terrorism: 2005*. U.S. Department of State Publication, 2006. Available at <http://www.state.gov/documents/organization/65462.pdf> (as of 20 June 2007).

War Department. *Regulations for Correspondents Accompanying U.S. Army Forces in the Field*. Washington, D.C.: Government Printing Office, 1942.

Laws

Alien Registration Act of 1940. *U.S. Statutes at Large* 54 (1941): 670-676.

Communications Act of 1934. *U.S. Statutes at Large* 48 (1934).

Espionage Act of 1917. *U.S. Statutes at Large* 40 (1919): 217-231.

First War Powers Act of 1941. *U.S. Statutes at Large* 55 (1942): 839-841.

Sedition Act of 1918. *U.S. Statutes at Large* 40 (1919): 553-554.

Trading with the Enemy Act of 1917. *U.S. Statutes at Large* 40 (1919): 411-426.

Thesis and Dissertation

Grover, Nancy Widdows. "Radio Censorship in Wartime: A Study of the Problems of Voluntary (Non-military) Radio Censorship in the United States During World War II." Master's Thesis. Miami University (Ohio), 1974.

Mulcrone, Michael Patrick. "The World War I Censorship of the Irish-American Press." Ph.D. Dissertation, University of Washington, 1993.

Books, Monographs, and Reports

- Arnett, Peter. *Live from the Battlefield: From Vietnam to Baghdad: 35 Years in the World's War Zones*. New York, NY: Simon & Shuster, 1994.
- Barnouw, Erik. *A History of Broadcasting in the United States: The Golden Web. 1933 to 1953, vol. 2*. New York, NY: Oxford University Press, 2001.
- Chafee, Zechariah, Jr. *Freedom of Speech*. New York, NY: Harcourt, Brace, and Howe, 1920.
- . *Government and Mass Communications: A Report from the Commission on Freedom of the Press*. Vol. 1. Chicago, Illinois: The University of Chicago Press, 1947.
- Creel, George. *The Complete Report of the Chairman of the Committee on Public Information*. New York, NY: Da Capo Press, 1972.
- . *How We Advertised America*. New York: Harper & Brothers Publishers, 1972.
- Cruikshank, Charles. *Deception in World War II*. New York, NY: Oxford University Press, 1979.
- Fisher, David E. *A Race on the Edge of Time: Radar—The Decisive Weapon of World War II*. New York, NY: McGraw-Hill Book Company, 1988.
- Halberstam, David. *The Making of a Quagmire*. New York, NY: Random House, Inc., 1964.
- Hallin, Daniel C. *The "Uncensored War": The Media and Vietnam*. New York, NY: Oxford University Press, 1986.
- Hammond, William M. "Who Were the Saigon Correspondents, and Does it Matter?" In *War, Military and Media from Gutenberg to Today*, edited by Major General (Retired) Mihail E. Ionescu, 80-106. Bucharest, Romania: Military Publishing House, 2004.
- . *Public Affairs: The Military and the Media, 1962-1968*. Washington, D.C.: Center of Military History, United States Army, 1988.
- . *Public Affairs: The Military and the Media, 1968-1973*. Washington, D.C.: Center of Military History, United States Army, 1996.
- . *Reporting Vietnam: Media and Military at War*. Lawrence, Kansas: University Press of Kansas, 1998.

Homefront Confidential: How the War on Terrorism Affects Access to Information and the Public's Right to Know. Sixth Edition. A Project of the Reporters Committee for Freedom of the Press, eds. Lucy A. Dalglish and Gregg P. Leslie, September 2005. Online at http://www.rcfp.org/homefrontconfidential/Homefront_Confidential_6th.pdf (as of June 11, 2007).

Jackson, W.G.F. *The North African Campaign, 1940-43*. London, England: Redwood Burn Ltd., Trowbridge & Esher, 1975.

Kalb, Marvin. *The Nixon Memo: Political Responsibility, Russia, and the Press*. Chicago, IL: The University of Chicago Press, 1994.

Knightley, Phillip. *The First Casualty: The War Correspondent as Hero and Myth-Maker from the Crimea to Iraq*. Baltimore, MD: The Johns Hopkins University Press, 2004.

Koop, Theodore F. *Weapon of Silence*. Chicago, IL: University of Chicago Press, 1946.

Latimer, Jon. *Deception in War*. New York, NY: The Overlook Press, 2001.

Lippmann, Walter. *Public Opinion*. New York, NY: Free Press Paperbacks, a Division of Simon & Shuster, 1922.

Lukas, J. Anthony. *Nightmare: The Underside of the Nixon Years*. New York, NY: The Viking Press, 1973.

Mock, James and Cedric Larson. *Words that Won the War: The Story of The Committee on Public Information 1917-19*. New York: Russell & Russell, 1968.

Mock, James R. *Censorship: 1917*. Princeton: Oxford University Press, 1941.

Nelson, Jack. "U.S. Government Secrecy and the Current Crackdown on Leaks." *Terrorism, War, and the Press*. Ed. Nancy Palmer. Cambridge: President and Fellows of Harvard College, 2003.

News Reporting and Writing. *The Missouri Group*. Boston, MA: Bedford/St. Martin's, 2005.

Paul, Christopher and James J. Kim. *Reporters on the Battlefield: The Embedded Press System in Historical Context*. Santa Monica, CA: RAND Corporation, 2004. Available at http://www.rand.org/pubs/monographs/2004/RAND_MG200.pdf (as of 12 June 2007).

- Porter, William E. *Assault on the Media: The Nixon Years*. Ann Arbor, MI: The University of Michigan Press, 1976.
- Roeder, George H., Jr. *The Censored War: American Visual Experience During World War Two*. New Haven: Yale University Press, 1993.
- Rudenshtine, David. *The Day the Presses Stopped: A History of the Pentagon Papers Case*. Berkeley, CA: University of California Press, 1996.
- Safer, Morley. *Flashbacks: On Returning to Vietnam*. New York, NY: Random House, Inc., 1990.
- Schauer, Frederick. "Dilemma of Access." *Terrorism, War, and the Press*. Ed. Nancy Palmer. Cambridge: President and Fellows of Harvard College, 2003.
- Schorr, Daniel. *Clearing the Air*. Boston, MA: Berkeley Publishing Corporation, 1977.
- Sharkey, Jacqueline. *Under Fire: U.S. Military Restrictions on the Media from Grenada to the Persian Gulf*. Washington, D.C.: The Center for Public Integrity, 1991.
- Sheehan, Neil. *A Bright Shining Lie: John Paul Vann and America in Vietnam*. New York, NY: Vintage Books, 1988.
- Smith, Jeffrey A. *War and Press Freedom: The Problem of Prerogative Power*. New York, NY: Oxford University Press, 1999.
- Spear, Joseph C. *Presidents and the Press: The Nixon Legacy*. Cambridge, MA: The Massachusetts Institute of Technology (MIT) Press, 1984.
- Steele, Richard W. *Free Speech in the Good War*. New York, NY: St. Martin's Press, 1999.
- Stein, M.L. *Under Fire: The Story of American War Correspondents*. New York, NY: Julian Messner, a division of Simon & Shuster, Inc., 1968.
- Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime*. New York: W.W. Norton & Company, Inc., 2004.
- Sweeney, Michael S. *Secrets of Victory: The Office of Censorship and American Press and Radio in World II*. Chapel Hill, NC: The University of North Carolina Press, 2001.
- . *The Military and the Press: An Uneasy Truce*. Evanston: Northwestern University Press, 2006.

- Sylvester, Judith and Suzanne Huffman. *Reporting from the Front: The Media and the Military*. Lanham, MD: Rowman & Littlefield, 2005.
- The Vietnam War*. Edited by Russell J. Cook. Vol. 7, *The Greenwood Library of American War Reporting*, edited by David A. Copeland. Westport, CT: Greenwood Press, 2005.
- Turner, Kathleen J. *Lyndon Johnson's Dual War: Vietnam and the Press*. Chicago, IL: The University of Chicago Press, 1985.
- Vaughn, Stephen. *Holding Fast the Inner Lines: Democracy, Nationalism, and the Committee on Public Information*. Chapel Hill, NC: The University of North Carolina Press, 1980.
- Voss, Frederick S. *Reporting the War: The Journalistic Coverage of World War II*. Washington, D.C.: Smithsonian Institution Press for the National Portrait Gallery, 1994.
- Washburn, Patrick S. "The Office of Censorship's Attempt to Control Press Coverage of the Atomic Bomb During World War II." *Journalism Monographs* 120 (1990).
- . *A Question of Sedition: The Federal Government's Investigation of the Black Press During World War II*. New York, NY: Oxford University Press, 1986.
- Winfield, Betty Houchin. *FDR and the News Media*. Chicago, IL: University of Illinois Press, 1990.
- Wise, David. *The Politics of Lying: Government Deception, Secrecy, and Power*. New York, NY: Random House, Inc., 1973.
- Wyatt, Clarence R. *Paper Soldiers: The American Press and the Vietnam War*. New York, NY: W.W. Norton & Company, Inc., 1993.

Journal Articles

- “Richard Nixon: By the Press Obsessed.” *Columbia Journalism Review* 28, no. 1 (May/June 1989): 46-51.
- Adler, Jonathon H. “Prosecuting Journalists Would Be Unprecedented and Unwise.” *National Security Law Report* 28, no. 3 (September 2006): 10-12.
- Antieau, Chester James. “The Rule of Clear and Present Danger: Scope of Its Applicability.” *Michigan Law Review* 48, no.6 (Apr., 1950): 811-840.
- Boyle, Brian D. “Seller’s Remorse? The Authorization for Use of Military Force in the NSA Surveillance Debate.” *National Security Law Report* 28, no. 1 (March 2006): 1, 3-5.
- Brodie, Bernard. “Military Demonstration and Disclosure of New Weapons.” *World Politics* 5, no. 3 (Apr., 1953): 281-301.
- Carroll, T.F. “Freedom of Speech and of the Press in Wartime: The Espionage Act.” *Michigan Law Review* 17, no. 8 (June, 1919): 620-665.
- Cassell, Paul G. “Restrictions on Press Coverage of Military Operations: The Right of Access, Grenada, and ‘Off-the-Record Wars.’” *Georgetown Law Journal* 73 (Feb., 1985): 931-73.
- Chafee, Zechariah, Jr. “Freedom of Speech in Wartime.” *Harvard Law Review* 32, no. 8 (June, 1919): 932-73.
- Corwin, Edward S. “Freedom of Speech and Press Under the First Amendment: A Resume.” *Yale Law Journal* 30, no. 1 (1920): 48-55.
- Dater, Henry M. “Tactical Use of Air Power in World War II: The Navy Experience.” *Military Affairs* 14, no. 4 (Winter, 1950): 192-200.
- Easton, Nina J. “Blacked Out.” *American Journalism Review* 24, no. 2 (March 2002): 36-40.
- Frank, Larry J. “The United States Navy v. the Chicago Tribune.” *Historian* 42 (February 1980): 284-303.
- Goren, Dina. “Communication Intelligence and the Freedom of the Press: Chicago Tribune’s Battle of Midway Dispatch and the Breaking of the Japanese Naval Code.” *Journal of Contemporary History* 16 (1981): 663-690.

- Gottschalk, Jack A. "Consistent with Security' ... A History of American Military Press Censorship." *Communications and the Law* 5 (Summer 1983): 35-52.
- Guerlac, Henry and Marie Boas. "The Radar War Against the U-Boat." *Military Affairs* 14, no. 2 (Summer, 1950): 99-111.
- Hammond, William M. "Who Were the Saigon Correspondents and Does it Matter?" *The Joan Shorenstein Center on the Press, Politics and Public Policy: Working Paper Series*. Harvard University, 2000. Available at http://www.ksg.harvard.edu/shorenstein/research_publications/papers/working_papers/2000_8.PDF (as of 20 June 2007).
- . "The Press in Vietnam as Agent of Defeat: A Critical Examination." *Reviews in American History* 17, no. 2 (June 1989): 312-323.
- Hickey, Neil. "Access Denied." *Columbia Journalism Review* 40, no. 5 (January/February 2002): 26-31.
- Hilton, O.A. "Freedom of the Press in Wartime: 1917-1919." *The Southwestern Social Science Quarterly* 28, no. 4 (March, 1948): 346-361.
- Huebner, Andrew J. "Rethinking American Press Coverage of the Vietnam War, 1965-68." *Journalism History* 31, no. 3 (Fall 2005): 150-161.
- Johnson, Donald. "Wilson, Bursleson, and Censorship in the First World War." *The Journal of Southern History* 28, no. 1 (Feb., 1962): 46-58.
- Kenealey, Kevin P. "The Persian Gulf War and the Press: Is There a Constitutional Right of Access to Military Operations?" *Northwestern University Law Review* 87 (Fall, 1992): 287-325.
- Kirtley, Jane E. "Transparency and Accountability in a Time of Terror: The Bush Administration's Assault on Freedom of Information." *Communication Law and Policy* 11 (2006): 479-509.
- Klotzer, Charles L. "The Pentagon Papers and the Post-Dispatch." *St. Louis Journalism Review* 26, no. 188 (July/August 1996): 14.
- Larson, Cedric and James Mock. "The Lost Files of the Creel Committee of 1917-19." *The Public Opinion Quarterly* 3, no. 1 (Jan., 1939): 5-29.
- Larson, Cedric. "Censorship of Army News during the World War, 1917-1919." *Journalism Quarterly* 17 (December 1940), 312-323.
- McGovern, George and John P. Roche. "The Pentagon Papers—A Discussion." *Political Science Quarterly* 87, no. 2 (June, 1972): 173-191.

- Mizuno, Takeya. "Journalism Under Military Guards and Searchlights: Newspaper Censorship at Japanese American Assembly Camps during World War II." *Journalism History* 29, no. 2 (Fall 2003): 98-106.
- Mock, James, et al. "The Limits of Censorship: A Symposium." *The Public Opinion Quarterly* 6, no. 1 (Spring, 1942): 3-26.
- O'Brien, David M. "Freedom of Information, Privacy, and Information Control: A Contemporary Administrative Dilemma." *Public Administration Review* 39, no. 4 (July - Aug., 1979), 323-328.
- Pincus, Roger W. "Press Access to Military Operations: Grenada and the Need for a New Analytic Framework." *University of Pennsylvania Law Review* 135 (March, 1987): 813-850.
- Schoenfeld, Gabriel. "What to Do About Leaks?" *National Security Law Report* 28, no. 3 (September 2006): 1, 4-6.
- Schofield, B.B. "The Defeat of the U-Boats during World War II." *Journal of Contemporary History* 16, no. 1 (Jan., 1981): 119-129.
- Sims, John Cary. "Triangulating the Boundaries of Pentagon Papers." *William and Mary Bill of Rights Journal* 2 (Winter, 1993): 341-453.
- Stone, Geoffrey R. "The Lessons of History." *National Security Law Report* 28, no. 3 (Sept., 2006): 1-4.
- Sweeney, Michael S. "Censorship Missionaries of World War II." *Journalism History* 27, no. 1 (Spring 2001): 4-13.
- Swisher, Carl Brent. "Civil Liberties in Wartime." *Political Science Quarterly* 55, no. 3 (Sept., 1940): 321-347.
- Syrett, David. "Communications Intelligence and the Sinking of the U-1062: 30 September 1944." *Journal of Military History* 58, no. 4 (Oct., 1994): 685-98.
- Zelnick, C. Robert. "The Press and National Security: Military Secrets and First Amendment Values." *Journal of National Security Law* 1 (Dec., 1997): 21-45.

Newspaper and Magazine Articles

- “‘Fantastic’ Story, Says Berlin.” *New York Times*. 5 December 1941.
- “7 U.S. Aircraft Downed, Pilots Killed or Seized, Hanoi Says.” *Los Angeles Times*. 17 February 1972.
- “Bank Data Report: Treasury Dept.’s View.” *New York Times*. 29 June 2006.
- “Camp Custer.” *Sheboygan Press*. 9 July 1918.
- “Censor Bars Newspapers: Foreign Editions Held Up Without Notice to Publishers.” *New York Times*. 24 August 1918.
- “Censorship Code Applied to Radio.” *New York Times*. 17 January 1942.
- “Censorship Code Meets Approval.” *New York Times*. 16 January 1942.
- “Clark Township Men on Ill-Fated *Wasp*.” *Tell City News*. 30 October 1942.
- “Creeping Censorship.” *Chicago Tribune*. 17 July 1965.
- “Four Vessels Sunk By Converted Trawler; Fleet Seeking Huns.” *Washington Post*. 22 August 1918.
- “Navy Had Word of Jap Plan to Strike at Sea.” *Chicago Tribune*. 7 June 1942.
- “Paris Shelled By Guns, Maybe 62 Miles Away.” *New York Sun*. 24 March 1918.
- “Press Code.” *Washington Post*. 19 January 1942.
- “Profiteering and Waste Found in Aircraft.” *New York Times*. 22 August 1918.
- “Reds Down Plane With 44 Marines.” *Washington Post*. 7 March 1968.
- “Special to The New York Times.” *New York Times*. 23 Aug. 1918.
- “Story Dispute Forces Reporter to Leave Iraq.” *The Patriot-News Website*. Available at <http://www.pennlive.com/iraq/echo/index.ssf?/iraq/stories/brett33.html> (as of 17 June 2007).
- “The Airplane Scandal.” *New York Times*. 23 Aug. 1918.
- “Why the German U-Boats Can’t Get Our Troopships.” *San Francisco Examiner*. 28 July 1918.

- Anderson, Jack. "FBI Used Arrest to Probe Anderson." *Washington Post*. 23 February 1973.
- Baker, Peter. "Surveillance Disclosure Denounced; 'Disgraceful,' Says Bush of Reporters." *Washington Post*. 27 June 2006.
- Baquet, Dean and Bill Keller. "When Do We Publish a Secret?; How the Press Balances National Security with Its Mission to Report the News." *Los Angeles Times*. 1 July 2006.
- Baquet, Dean. "Why We Exposed the Bank Secret." *Los Angeles Times*. 27 June 2007.
- Barrett, Delvin. "Lawmaker Wants Times Prosecuted." *Washington Post*. 26 June 2006.
- Beecher, William. "128 U.S. Planes Carry Out Attack in North Vietnam; Supply Lines Are Targets." *New York Times*. 3 May 1970.
- Carr, David. "Pentagon Says Geraldo Rivera Will Be Removed From Iraq." *New York Times*. 1 April 2003.
- Carroll, John. "Marines Leaving Base at Khe Shah." *Baltimore Sun*. 25 June 1968.
- Fiore, Faye. "The Nation; Congressman Wants *N.Y. Times* Prosecuted." *Los Angeles Times*. June 2006.
- Foisie, Jack. "Marines Pour Ashore in Big Viet Landing." *Los Angeles Times*. 30 January 1966.
- Foisie, Jack. "News of Marine Drive Held Back Two Days." *Los Angeles Times*. 30 January 1966.
- Fox, Albert. "Mean Doom of Metz." *Washington Post*. 21 Sept. 1918.
- Gordon, Michael R. "Military is Putting Heavier Limits on Reporters' Access." *Washington Post*. 20 October 2001.
- Graham, Fred P. "Judge, at Request of U.S., Halts Times Vietnam Series Four Days Pending Hearing on Injunction." *New York Times*. 16 June 1971.
- Grannon, Ryley. "French Tank Marvel." *Washington Post*. 10 August 1918.
- Hagan, Joe. "The United States of America vs. Bill Keller." *New York Magazine Website*. Available at <http://nymag.com/news/media/20334/> (as of 15 June 2007).

- Hulse, Carl. "House Assails Media on Disclosing the Tracking of Finances." *New York Times*. 30 June 2006.
- Johnston, David and Neil A. Lewis. "Defending Spy Program, Administration Cites Law." *New York Times*. 23 December 2005.
- Keller, Bill. "Letter from Bill Keller on the Times's Banking Records Report." *New York Times*. 25 June 2006.
- Kurtz, Howard. "Unembedded Journalist's Report Provokes Military Ire." *Washington Post*. 27 March 2006.
- Lamar, William H. "The Government's Attitude Toward the Press." *Forum*, February 1918.
- Leiby, Richard. "'Unilaterals,' Crossing Lines; Reporters Who Venture Out on Their Own Can Find the Going Deadly." *Washington Post*. 23 March 2003.
- Lichtblau, Eric and James Risen. "Bank Data Sifted in Secret By U.S. to Block Terror." *New York Times*. 23 June 2006.
- Lieberman, Brett. "Echo Girds for Solo Guard Duty." *The Patriot-News Website*. Available at <http://www.pennlive.com/iraq/echo/index.ssf?/iraq/stories/brett29.html> (as of 17 June 2007).
- Manly, Chesly. "F.D.R.'s War Plans!" *Chicago Tribune*. 4 Dec. 1941.
- McBee, Susanna. "'War on the Media' Laid to Justice in License Cases." *Washington Post*. 4 January 1974.
- Meyer, Josh and Greg Miller. "U.S. Secretly Tracks Global Bank Data." *Los Angeles Times*. 23 June 2006.
- Newell, Charles. "7 Cars of Hun Propaganda Censor's Bag." *Washington Herald*. 3 June 1918.
- Pincus, Walter and George Lardner, Jr. "Nixon Hoped Antitrust Threat Would Sway Network Coverage." *Washington Post*. 1 December 1997.
- Risen, James. "Bush Signs Law to Widen Reach of Wiretapping." *New York Times*. 6 August 2007.
- Risen, James and Eric Lichtblan. "Bush Lets U.S. Spy on Callers Without Courts." *New York Times*. 16 Dec. 2005.

- Roberts, Chalmers M. "Documents Reveal U.S. Effort in '54 to Delay Viet Election." *Washington Post*. 18 June 1971.
- Roberts, Gene. "U.S. 'Ground Rules' Keep Rein on War Reporting." *New York Times*. 2 July 1968.
- Shane, Scott. "Behind Bush's Fury, a Vow Made in 2001." *New York Times*. 29 June 2006.
- Simpson, Glenn R. "Treasury Tracks Financial Data In Secret Program." *Wall Street Journal*. 23 June 2006.
- Stevenson, Richard W. and Adam Liptak. "Cheney Defends Eavesdropping Without Warrants." *New York Times*. 21 December 2005.
- Stolberg, Sheryl Gay. "Bush Condemns Report on Sifting of Bank Records." *New York Times*. 27 June 2006.
- Stone, Geoffrey. "Scared of Scoops." *New York Times*. 8 May 2006.
- Thurber, Jon. "Obituary: Jack Foisie; Times Foreign Reporter, *Los Angeles Times*." *Los Angeles Times*. 15 June 2001.
- Transcript. CNN Live at Daybreak: Iraqi TV Back in Action. Aired 26 March 2006. *CNN Website*. Available at <http://www.transcripts.cnn.com/TRANSCRIPTS/0303/26/lad.12.html> (as of 17 June 2007)
- Weaver, Jr., Warren. "TV Networks Lose Plea to Bar Trial." *New York Times*. 29 April 1975.