

James C. Goodale to Give 28th Annual Silha Lecture

James C. Goodale, vice chairman and general counsel of *The New York Times* during the Pentagon Papers litigation in 1971, will present the Silha Center's 28th Annual Lecture, "The Lessons of the Pentagon Papers: Has Obama Learned Them?" on Oct. 16, 2013. Goodale is the author of a new book, *Fighting for the Press: the Inside Story of the Pentagon Papers and Other Battles*. His lecture will address questions such as: How far can the U.S. government go in its pursuit of people who disclose classified information, such as Edward Snowden or Bradley Manning? Should "whistleblowers" be prosecuted for espionage? Can journalists who publish classified material be forced to reveal their confidential sources? How can the public's right to know be balanced against the government's claims of national security?

The Pentagon Papers consisted of thousands of pages from a secret U.S. Department of Defense study of the history of U.S. involvement in Vietnam. In 1971, former U.S. military analyst Daniel Ellsberg turned over the Pentagon Papers to reporters and editors of *The New York Times* and the *Washington Post*. In a March 19, 2013 article, Goodale told the *Columbia Journalism Review's* Susan Armitage he wrote *Fighting for the Press* at this time because he "was really curious as the 40th anniversary of the Pentagon Papers came about, to take a look at the claims the government made of breaches of national security in composite form ... and reach a conclusion." That conclusion, Goodale told Armitage, is that "not one claim has — after 40-plus years — ever been proved to damage national security." Characterizing President Barack Obama's approach to classified information and press freedom as "antediluvian, conservative, backwards," and "[w]orse than Nixon," Goodale said that many journalists do not believe that the president has an aversion to press freedom. "No one seems to care," Goodale said. "[Obama] thinks that anyone who leaks is a spy! I mean, it's cuckoo."

Goodale's book has received critical acclaim. Kofi Annan, former Secretary General of the United Nations, described Goodale's book as "[a]n engaging work which underlines the importance of fighting for a free press. Without press freedom, informed public debate is curtailed and democratic accountability diminished." R. Alan Clanton, editor of *Thursday Review*, an online magazine, wrote, "[T]his book is not only well-written, it is elegantly straightforward ... never once did my eyes glaze over from lawyerly mumbo jumbo or linguistic

prevarication. In fact, I could barely put the book down.” Clanton’s review is available online at <http://www.thursdayreview.com/PentagonPapers.html>. Chris Spannos, a reviewer with the alternative online news site *NYTimes eXaminer*, wrote that Goodale’s book “offers a strong and contagious dose of courage — which is needed to carry forward today’s fight for a free press.” James D. Zirin, who reviewed the book for the *New York Law Journal*, called it a “legal thriller-diller” that “packs a real whallop.” Zirin wrote, “Fighting for the Press is a clarion call to journalists, lawyers, and the public that our basic freedoms will not be destroyed with a stroke of a pen, but may be seriously eroded by a cumulation of instance, where there is insensitivity to the importance of the values enshrined in the First Amendment, and the exceptions eventually swallow the rule.” Since Goodale’s book has been published, he has participated in over 50 television, print, Internet and radio interviews.

As a young attorney, Goodale was a member of the U.S. Army Reserve and an intelligence analyst, a career that shaped his views on classified documents and later influenced his work on the Pentagon Papers case. In addition to the Pentagon Papers case (*New York Times Co. v. United States*, 403 U.S. 713 (1971)), Goodale served as general counsel for *The New York Times* in all its U.S. Supreme Court cases, including *Branzburg v. Hayes*, 408 U.S. 665 (1972), *New York Times v. Sullivan*, 376 U.S. 254 (1964), and *New York Times et al. v. Tasini*, 533 U.S. 483 (2001). In 1972, he established the Communications Law Seminar for the Practising Law Institute, enabling media attorneys to learn more about First Amendment law. In addition to his latest book, he is the author of two other books, *The New York Times v. The U.S.* and *All About Cable*, as well as approximately 200 articles that have appeared in a variety of publications ranging from academic journals to newspapers and magazines. His work has earned him the title “father of the reporter’s privilege.”

A member of the law firm Debevoise & Plimpton LLP since 1980, Goodale also has taught First Amendment and communications law at the law schools of Yale University, New York University and Fordham University. From 1995 to 2010 he produced and hosted the New York metropolitan area public television program “Digital Age,” about the effect of digital technology on media, politics, and terrorism. From 1989 to 1994 he served as chairman of the board for the Committee to Protect Journalists, which has been instrumental in the release of imprisoned journalists around the world.

Goodale will conclude the lecture with time to take audience members’ questions. Copies of his book will be available for purchase, and a book signing will follow the lecture. This event is free and open to the public. No reservations

or tickets are required. The lecture will begin at 7:30 p.m. in Cowles Auditorium on the West Bank Campus of the University of Minnesota in Minneapolis. Parking is available in the 19th and 21st Avenue ramps. Additional information about directions and parking can be found at www.umn.edu/pts.

The Silha Center is based at the School of Journalism and Mass Communication at the University of Minnesota. Silha Center activities, including the annual Lecture, are made possible by a generous endowment from the late Otto Silha and his wife, Helen. For further information, please contact the Silha Center at 612-625-3421 or silha@umn.edu, or visit www.silha.umn.edu.

— Elaine Hargrove
Silha Center Staff