

ARTICLE APPEARED ON PAGE 21

TIME 19 May 1986

Shifting the Attack on Leaks

The CIA director hints at prosecution of news organizations

It is axiomatic that every Washington Administration is upset by leaks to the press, but the Reagan team has seemed especially touchy about them. During the past year the Administration has begun to put some muscle behind its temper. In October the Justice Department successfully prosecuted Samuel Loring Morison, a naval intelligence analyst, for selling U.S. satellite photos of a Soviet aircraft carrier to a British defense magazine. Three weeks ago, Assistant Under Secretary of Defense Michael Pillsbury was fired for allegedly giving reporters details of an Administration plan to provide Stinger missiles to anti-Communist rebels in Angola and Afghanistan.

At least one top Administration official now wants the attack shifted from the leakers to those who are accused of publishing the leaks. In a meeting with Deputy Attorney General D. Lowell Jensen two weeks ago, CIA Director William Casey discussed the possibility of prosecuting five news organizations—the Washington Post, the Washington Times, the New York Times, TIME and Newsweek—for printing details about U.S. intelligence-gathering operations. Casey subsequently that day met with Washington Post Executive Editor Benjamin Bradlee and Managing Editor Leonard Downie. He told them he was considering asking the Justice Department to take the Post to court for, among other things, reporting on messages between Tripoli and the East Berlin "people's bureau" (as Libya calls its diplomatic missions) that the U.S. had intercepted.

In his talk with Bradlee, the CIA director did not specify what stories published by the other news organizations aroused his anger. The New York Times, the Washington Times, TIME and Newsweek were all mystified when the Post printed its account of the Casey-Bradlee conversation last Wednesday.

What Casey did make plain to Bradlee was that the reason he wanted to talk with him was less to complain about past stories than to head off one as yet unpublished. The Post planned to print the story in question, written by Assistant Managing Editor Bob Woodward, two days later. The story deals mainly, and in great detail, with a secret intelligence-

collection operation that the U.S. has conducted against the Soviet Union. Intelligence-community officials believe that revelation of the details will jeopardize the operation. Although Bradlee says that he remains unpersuaded that the story poses a threat to national security, he so far has postponed its publication.

Casey told Bradlee that if the Post printed its story, he would recommend that the paper be prosecuted under the "intelligence statute." According to Administration officials, Casey apparently has in mind Section 798 of Title 18 of the U.S. Code. Passed into law in 1951, the so-called COMINT statute makes it illegal for anyone to disclose classified information about U.S. ciphers, code breaking and other communications intelligence. Though Section 798 specifically forbids the publication of secrets, it has never before been invoked against newspapers or



CIA's William Casey

magazines.

It is not clear how serious the CIA chief is about bringing the Post and other news organizations to court: not the least of Casey's difficulties, of course, is that many of the classified leaks he deplors come from the Government, including his own department. According to agency officials, Casey does not truly contemplate bringing suit against all five newspapers and magazines, but only cited them to Bradlee to underline his concern about publication of the Woodward piece. "It seems as if Bill Casey was shooting with an automatic weapon against the Washington Post and forgot to release the trigger," says an agency official. "It is not a CIA-vs.-the-press campaign."

Even if Casey persists, the final say on prosecution belongs to Attorney General Edwin Meese. At the moment,

Justice Department lawyers are cool to the idea. "We're not hot to trot on this thing," says one Justice official. That lack of enthusiasm is mirrored on Capitol Hill by lawmakers who deal regularly with the CIA. Says Democratic Senator Patrick Leahy of Vermont, vice chairman of the Select Committee on Intelligence: "When you go after press organizations, you're treating the symptoms rather than the problem." —By James Kelly.

Reported by Anne Constable and David Malachuk/Washington



Post Editor Bradlee

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