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Leaking Isn't Spying

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Laws designed to prevent espionage and theft of government property may be used to prosecute government employees who leak security information to the press, a federal judge in Baltimore recently ruled, in ordering a case to trial. If the case does go to trial, the defendant found guilty and the ruling upheld, it will be a first.

We think it would be a bad first. It would burden free speech. And it would protect not so much national security secrets as bureaucratic and policy bungling. Government officials have a natural desire to hide everything from the public but that which supports their own projects or views.

The case involves Samuel Loring Morison, who sold to a British magazine photographs he obtained at a Naval intelligence center where he is employed. He also apparently planned to give the magazine a copy of a secret report. The Justice Department charged him under laws that had been used only once before in a case where there was no intent to harm the United States. One of those cases was dropped at the trial level and in the other, the issue was not dealt with when the case came before an appellate court.

We believe that espionage laws should apply only to actual spying or sabotage by or in behalf of foreign governments or such organizations as terrorist groups. That seems to have been what Con-

gress intended. It is interesting that while the Justice Department was saying in court here that these laws apply in Morison-type cases, the CIA in Washington is saying it needs a new law to deal as harshly as it would like with leaks such as this. Presumably it will hold up on its request until the Morison case is decided.

If U.S. Judge Joseph Young's order ultimately is overruled, the government will surely seek a new law to prosecute leakers. Congress should be very careful in writing anti-leak legislation. It is not in the public interest to give government officials overly broad power to keep information from the public. The United States does not need a British-style "official secrets act," which serves to keep the public in the dark about all sorts of important public business.

Leaking is a way of life in Washington. Everything is classified, and everybody, from the president down, leaks "secrets" from time to time. You probably could not have an informed public debate on national security without leaks. To allow any administration in power to use anti-spy type legislation against political adversaries or disgruntled careerists who want the public to know more would do great damage to open debate and public awareness about the most important issues before the nation.