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# Secrecy Proposal: Risks Weighed

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WASHINGTON, Feb. 19 — Congress has forced President Reagan to back off, at least temporarily, from using more censorship and polygraph testing to protect national security, not because it thought the goal unimportant, but out of doubt that such measures would accomplish much.

## New Analysis

In the view of Congressional critics, Mr. Reagan's plan would limit debate on vital issues and compromise the civil liberties of Government officials while doing little to prevent leakage of validly classified information and less to protect national security.

The opposition to two secrecy measures ordered by Mr. Reagan on March 11, 1983, forced the White House to announce last week that it would seek a "bipartisan solution" on the measures. The Administration apparently realized that Congress, which had already blocked these measures until April 15, was likely to extend the ban or make it permanent.

One measure would require more than 100,000 officials in the White House, the military and other departments who handle certain intelligence secrets to sign lifelong censorship agreements. The other would allow disciplinary sanctions against Government employees who refuse to take polygraph, or lie-detector, tests in investigations of unauthorized disclosures, or leaks.

## What Degree of Protection

Few if any members of Congress have proposed prohibiting the censorship agreements and polygraph testing the executive branch has long required of intelligence agents. So the issue is not so much whether some freedoms must give way to protect national security as it is to what degree they must give way.

The Congressional position reflects a kind of cost-benefit analysis: The costs to civil liberties of the Reagan plan were seen as outweighing the benefits to the national security, benefits that some critics deemed negligible.

Richard K. Willard, the Justice Department official who was the principal architect of the measures, has stressed that the Congressional intelligence committees complained in the late 1970's that national security secrets were inadequately protected.

Thus, he asserted in an interview last week, if Congress will not support the Reagan secrecy plan, "it's time for Congress to come forward and say what their solution is to the problem."

## Against Gains

Meanwhile, Mr. Reagan has not revoked his March 11 order, only suspended it pending talks with Congress.

### Security and Censorship

The Administration may have difficulty convincing Congress that the national security requires former officials to submit their writings and speeches for the rest of their lives for "prepublication review," or censorship, by their successors. Critics say such a requirement, at best, would inhibit debate and, at worst, could be used by incumbents as a pretext for silencing their critics.

William J. Casey, Director of Central Intelligence, said in a memorandum last year that such censorship agreements contain "the minimum acceptable standards for protecting the security" of intelligence sources and methods.

But Mr. Willard conceded that the censorship program would do nothing to prevent or detect espionage and little to prevent unauthorized disclosures.

"The most serious problem by far is the leak, the anonymous leak, and prepublication review does not prevent anonymous leaks," Mr. Willard acknowledged. "That's a much more difficult problem to address, but the disclosure of information in books and speeches was something we could do something about."

### Few Disclosures Involved Secrets

The General Accounting Office found last year, in a survey of six agencies, that only 21 of the 328 unauthorized disclosures of classified information over a five-year period had occurred through former officials' writing or speeches. Only one or two of these involved intelligence secrets of the kind that would subject officials who handle them to lifelong censorship.

Such evidence led many Republicans as well as Democrats in Congress to conclude that the Reagan censorship program was a draconian solution to an almost nonexistent problem.

Mr. Willard has suggested that the censorship program would make its most important contribution by making Government employees and others sensitive to the need for secrecy, by putting some fear in them and thus by discouraging the rather casual trafficking in Government secrets long practiced by officials both high and low, reporters, lobbyists and others.

Such benefits, in the view of many in Congress, including Senator Charles McC. Mathias, Republican of Maryland, were too speculative to warrant a sweeping system of censorship.

The polygraph, say Mr. Willard and other Administration officials, is potentially very useful both for ferreting out those who leak Government secrets to the press and for catching foreign spies.

### Fear of Machine Cited

They maintain not only that polygraph testing can detect lying in many cases but also that the fear of detection often spurs people to confess or deters them from leaking in the first place.

Congressional opponents of increased polygraph use, led by Representative Jack Brooks, Democrat of Texas, say they doubt this, and some experts assert that the polygraph is all but useless in detecting whether a person is lying.

Even those who concede that widespread polygraph use might uncover some leakers and spies question whether this would be worth the cost to the freedom and dignity of the innocent employees subject to the testing.

Some employees would falsely be branded as liars, just as some liars would incorrectly be identified as truthful, Mr. Brooks asserts. And even advocates of polygraph testing such as Mr. Willard concede that the machines and their operators sometimes make mistakes.

Another reason for the resistance to expanded polygraph testing is that many in Congress are of two minds about leaks, which have been denounced by every recent President, most forcefully by Mr. Reagan.

While there is strong sentiment for preventing Government employees from disclosing genuine military, intelligence and diplomatic secrets, many members recognize that the executive branch has long labeled as secret thousands of documents posing no threat whatsoever to national security and has sometimes done so to cover up politically embarrassing information.

The vast majority of disclosures of classified materials to the press and to Congress itself involve information that either has little to do with the national security or is already available to the Soviet Union and other nations. Members of Congress sometimes depend on such leaks in doing their jobs, and many would not want to see the employees responsible for them hunted down with polygraph machines.

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