

ARTICLE APPEARED
ON PAGE 6 PART ILOS ANGELES TIMES
9 June 1986

Cordial Truce Over Leaks Foreshadows Battles Yet to Come

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WASHINGTON—After three weeks of skirmishes, the Reagan Administration and the press have declared a cordial truce in their war over leaks of national security secrets. Although both sides are claiming victory, neither seems quite sure who won.

And both sides also agree on one other thing—new battles are yet to come.

The CIA, which touched off the dispute when Director William J. Casey threatened to prosecute newspapers and television networks if they published details of the secrets sold to Moscow by convicted spy Ronald W. Pelton, now says it has achieved most of its purpose—to prevent the news media from immediately publishing or broadcasting any secrets that come their way.

'We're Pleased About That'

"A lot of people have paid attention to what we said, and we're pleased about that," CIA spokeswoman Kathy Pherson said. "A few haven't, and we don't appreciate that."

Editors who published articles about the stolen secrets—in some cases after deleting material at the Administration's request—maintain that they gave up nothing in the confrontation.

"We haven't done anything different from our normal practice," said Benjamin C. Bradlee, executive editor of the Washington Post. "We've thought an awful lot about the issue" because of Casey's action, he said, "but then, we always have. . . . They (the Administration) have not done themselves a lot of good."

Senate Intelligence Committee Chairman Dave Durenberger (R-Minn.) welcomed the airing of the touchy issue. "I think we're entering an era where the relationship between the government and the media on national security issues is going to be redefined," he said, "and there are going to be more cases of this kind in the future rather than less. But we don't have any of the answers yet."

White House Communications Director Patrick J. Buchanan noted: "Leaks are like prostitution and gambling. You can control them and contain them a bit, but you're not going to eliminate them."

For the time being, President Reagan's Cabinet has shelved the idea of charging newspapers and television networks with criminal espionage. Also dormant are proposals for a new FBI strike force and increased use of lie detectors to ferret out leakers inside the bureaucracy.

Those decisions were at least implicit rebuffs to Casey and National Security Adviser John M. Poindexter, who had argued for a bare-knuckled offensive against both those who leak classified information and those who print it.

But the Cabinet-level group that met to consider the issue last week agreed to continue a measured crackdown against government employees who divulge secrets to the press. Even before the furor over the Pelton case, the Pentagon fired a senior official who had confirmed to reporters the secret shipments of Stinger missiles to rebels in Angola and Afghanistan, and the State Department dismissed a political appointee for leaking a cable critical of House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.).

The FBI also has launched a program to improve the performance of its existing "leak squad" with new training and other measures, officials said.

'A Good Bit of Anger'

"There's a good bit of anger welling up inside the Administration, legitimate anger, over leaks which can fairly be described as gross breaches of confidence and national security leaks," a senior White House official said. "My view is that they ought to be prosecuted and the people that do them punished—the people who are doing the leaking."

State and Justice Department officials acknowledge that such talk has had an impact on their behavior—the very impact it was intended to have.

"It's had a chilling effect on us," said a Justice Department official, who asked not to be quoted by name. "Even though we're not bringing any prosecution, it's having an impact in that people aren't willing to talk to you guys."

And Administration officials pointedly kept in reserve their threat to use the espionage laws against reporters—even while insisting that they would prefer gentle persuasion instead.

"If they violate a law, a legitimate, constitutional, proper law, they ought to be prosecuted," Secretary of State George P. Shultz said. "But I think they can properly be talked to, and journalists are talked to regularly. And I think there is a tradition of responsibility in the journalistic community."

Still, even some intelligence officials acknowledged that the case Casey chose to make his point was probably not strong enough to sustain a successful criminal prosecution. The 1950 espionage law, which makes it a crime to "publish any classified information concerning the communications intelli-

gence activities of the United States," was initially intended to prevent American cryptologists from going public with their knowledge and has never been applied against the press.

Last month, in the aftermath of the U.S. interception of Libyan diplomatic messages, Casey warned five newspapers and magazines that they could be prosecuted if they published any details of communications intelligence operations.

President Reagan personally telephoned Washington Post Chairman Katharine Graham to ask that her newspaper not print an article on "Ivy Bells," the U.S. eavesdropping operation in Soviet harbors that Pelton already had described to the Soviets. (The Post had discussed the article with Administration officials for five months, had shown them several drafts and had already delayed publication several times.)

When NBC went ahead and broadcast an item describing the basic nature of Ivy Bells, Casey asked the Justice Department to prosecute the network on criminal charges.

Casey and NSA Director William E. Odom then took a further extraordinary step, warning reporters covering the Pelton case "against speculation and reporting details beyond the information actually released at trial."

"Such speculations and additional facts are not authorized disclo-

tures and may cause substantial harm to national security," the two intelligence chiefs said.

That touched off a storm of protest from the media—"Those are the kind of instructions the editor of Pravda gets," said Bradlee—and some quiet criticism within the Administration as well. Casey then backtracked a bit, saying "speculation" was probably not the right word and offering "extrapolation" instead.

Later, the Post and The Boston Globe printed new details about the Pelton secrets, but only after deleting material at the CIA's request. Casey did not specifically recommend that they be prosecuted, officials said.

Legitimate Concern

Among U.S. officials privy to the secrets of Ivy Bells, even Casey's critics agree that the Administration had legitimate concern about divulging more details of the operation. Some hinted that Pelton may not have supplied the Soviet Union with all the technical information about the project.

The prosecutor of the Pelton case, Assistant U.S. Atty. John G. Douglass, pointed out there may also be other countries against which the United States can use the system. Said CIA spokeswoman Pherson: "One of the first things you learn in this business is that people don't always know what you assume they know."

But it might have been difficult to convince a jury that NBC, or

anyone else who described Ivy Bells in detail, had done much wrong. Some of the information in the stories was drawn from pretrial testimony in the Pelton case; some, such as the fact that the United States was using submarines to eavesdrop on the Soviets, had been published as long ago as 1974.

And the Reagan Administration, which frequently uses intelligence information to bolster its own political points, may not be in the strongest possible position to press charges.

"They don't think about leaks in terms of Ronald Reagan declassifying information about terrorist camps in Nicaragua for television purposes . . . or Ronald Reagan believing he needs to sell the American public on bombing Tripoli and Benghazi," Durenberger said. "That all has serious implications for the collection of communications intelligence. I would start my definition of leaks there."

Durenberger conceded that it was appropriate for the Administration to draw the press's attention to its concerns about leaks. He said publishers have a "higher national responsibility" than to publish unquestioningly the stories of their enterprising reporters.

But Casey, he added, went too far: "The government's case isn't served by overstepping—by saying, as Casey did, that the government has the right to decide what you can and can't publish. They went beyond where everybody agreed they should have gone."