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Casey shifting CIA leak blame

TV networks become main target

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WASHINGTON—CIA Director William Casey ignored a broadcast last November on the Ronald Pelton spy case that was almost identical in content to one that he recommended Monday be the basis for a criminal espionage prosecution.

Last Nov. 27, following a pretrial hearing in the Pelton case, NBC-TV broadcast a story that said Pelton may have given the Soviet Union information about the ability of American submarines to eavesdrop on Soviet harbors through a classified project known as Ivy Bells.

An NBC official said privately that neither the CIA nor any other government agency raised an objection after the November report on the government's prosecution of Pelton, a former communications specialist for the National Security Agency.

Monday morning, as jury selection opened for the trial in Baltimore, NBC broadcast a second report, again noting that Pelton was suspected of providing the Soviets with key details of the submarine eavesdropping program known as Ivy Bells.

Within hours of the second broadcast, Casey accused NBC of violating secrecy laws and asked the Justice Department to consider bringing criminal charges against the network.

This inconsistency and others have left many within the administration and in Congress confused about whether Casey's objective is to protect national security data or establish a court case that could deter news organizations from publishing what he believes is secret information.

His decision to formally recommend prosecution, moreover, is regarded as a major escalation of the concern in Washington over news leaks.

Washington Post chairwoman Katharine Graham received a telephone call from President Reagan on May 10 urging the Post not to publish espionage details of the Pelton case.

In a lengthy article about the case in Wednesday's editions, the Post quoted its executive editor, Benjamin C. Bradlee, as saying that because the paper was "unable fully to judge the validity of the national security objections of senior officials, and because of Post lawyers' concerns, the paper decided to print this article without a description of the technology Pelton allegedly betrayed."

Casey had threatened to prosecute the Post if the newspaper published certain information about the Pelton case. He has also said that the Post and four other publications could have been prosecuted for printing classified information about communications between Libyan agencies that were intercepted by U.S. intelligence sources.

Yet information about the Libyan intercepts was leaked by high administration officials as part of a carefully orchestrated campaign to build public support for the decision to bomb Libya, according to a senior official involved in the discussions.

The official said the decision was made to leak the Libyan information at the highest levels of the administration despite knowledge that the disclosures would jeopardize some U.S. intelligence capabilities. He said the administration decided that the chance to rally public support outweighed the potential losses.

Leaks, or selective disclosure of information to newsmen, are common in the nation's capital and have been used by Democrats and Republicans alike to influence policy and public opinion.

It is also not unusual for officials to criticize news organizations for stories they publish or broadcast. NBC was criticized strongly by the State Department earlier this month after airing an interview with Abul Abbas, a Palestinian terrorist who masterminded the hijacking of the Achille Lauro cruise ship.

Administration officials have not said why Casey is so upset about the Monday broadcast by NBC, which dealt with information alleg-

edly passed to the Soviet Union six years ago by Pelton.

Kathy Pherson, a press aide for the CIA, refused to say why the agency took no action in November. She would not say whether the CIA or Casey saw the earlier NBC report, although the agency routinely monitors news reports.

But Casey has gone public in recent weeks with strong criticisms of the press for publishing information that he claims has damaged national security. In a speech last week, Casey said he would not pursue earlier cases, but he vowed to recommend the prosecution of any future disclosures that he feels violate the law.

In a statement on the NBC story Monday, Casey said: "We believe that the assertions, if true, made by James Polk on the NBC 'Today Show' this morning violate the prohibitions ... against publishing any classified information concerning the communications intelligence activities of the United States."

In a report by Polk that was aired on Nov. 27, NBC said, the codename Ivy Bells had been revealed in court by Pelton's defense attorney. But no details of the program were disclosed in court.

Polk's report said: "There are indications Ivy Bells refers to a Navy eavesdropping operation. The Navy is known to have submarines outside Soviet harbors listening to what the Russians say."

The New York Times mentioned Ivy Bells last November in a story about the Pelton trial, and The Tribune referred to Ivy Bells in its Sunday editions.

Polk's report Monday said: "Pelton apparently gave away one of the NSA's most sensitive secrets, a project with the code name 'Ivy Bells,' believed to be a top secret underwater eavesdropping operation by American submarines inside Russian harbors."

Casey has refused to elaborate on why he feels the second report violated secrecy laws. The Justice Department, which is considering Casey's request, has declined to comment on the NBC matter.

Intelligence experts inside and outside the government have said that it is no secret to the Soviets that American submarines have been eavesdropping on them for 25 years.

In 1975, the New York Times published detailed articles about a U.S. intelligence-gathering project that used submarines that penetrated Soviet harbor security and photographed the bottom of Soviet submarines.

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Intelligence experts said simply identifying Ivy Bell as an eavesdropping project would not appear to damage national security. They said that divulging the existence of the eavesdropping program would clearly not have been news to the Soviets, since Pelton is accused of providing them with detailed information about it in January, 1980.

The experts, who spoke on the condition that they not be named, said that any potential damage would require publication or broadcast of specific details about the project.

The law cited by Casey has never been used against a news organization, but several spies have been convicted under its provisions.

Jerry Berman, chief legislative counsel for the American Civil Liberties Union here, said the law was enacted to deal with government employees, not the press. Berman said Casey's threats appear to be part of an attempt by some Reagan administration officials to restrict the press.

Berman said there was "a body of thinking inside the administration that no stone should be left unturned in an attempt to manage the news in the national security area."

Concern over the disclosure of classified information is not restricted to the CIA. Last week, Secretary of State George Shultz fired Spencer Warren, a department speech writer, for providing a reporter with a copy of a classified cable. Michael Pillsbury, a Pentagon official, was fired last month after he failed to pass a polygraph test involving the disclosure of information about the shipment of missiles to Angola.