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WASHINGTON POST
5 December 1985

Morison Given 2 Years For Leaking Spy Photos

Prison a Necessary Deterrent, Judge Says

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BALTIMORE, Dec. 4—A federal judge sentenced former Navy intelligence analyst Samuel Loring Morison today to two years in prison for leaking secret U.S. spy satellite photographs to a British magazine.

U.S. District Judge Joseph H. Young, disregarding Morison's attorneys' contention that their client has been unfairly categorized as a spy along with a number of others recently arrested for espionage, said he felt a prison sentence was necessary as a deterrent.

"You knew, Mr. Morison, what [information] was protected and what was not," the judge said. "I'm satisfied that you've been punished by what has happened to you." But, the judge added, "deterrence is not to you, but to others."

The first person ever convicted of leaking classified government information to the press, Morison, who worked at the Naval Intelligence Support Center in Suitland, was released on \$100,000 bond pending appeal. His attorneys had pleaded for probation, saying they feared for his safety "in a prison setting."

Suppressing a nervous stutter that sometimes afflicts him, Morison, the 41-year-old grandson of the late famed naval historian Samuel Eliot Morison, haltingly acknowledged to the court that he had made a mistake in sending three KH-11 satellite photos, all classified secret, to Jane's Defence Weekly last year.

For that, Morison said, "I apologize to the court and I apologize to the country . . . I knew I was breaking the rules. I thought at the time I had a good reason for it." But

he said he did not think that what he was doing was criminal.

"I'm not that type of person," he told the judge. "I'd just as soon stay home and write books."

At several points today the judge indicated that he thought the federal government classifies too much information. But in Morison's case, he said, he was struck by Morison's initial denial of the leaks, Morison's suggestions that co-workers might

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— Judge Joseph H. Young

be responsible, and finally his cropping of the "secret" markings from the photos he sent to Jane's.

"He knew it was wrong to send them," Young concluded before handing down two-year sentences on each of the four counts, all to run concurrently. "It was wrong and he did not want to get caught."

Government prosecutors argued that Morison deserved still more prison time in light of what they called his "arrogance" and unrepentant attitude. The chief prosecutor, Assistant U.S. Attorney Michael Schatzow, was especially critical of defense invocations of Morison's grandfather as "the dominant influence in his life" and of Morison's claims of having had patriotic motives for doing what he did.

Samuel Eliot Morison "would be spinning in his grave" if he knew what his grandson had done, Schat-

zow declared in recommending a four-year prison term and a \$10,000 fine. What Samuel Loring Morison did, the prosecutor said, "was venal. It was petty. It was arrogant. And it was criminal."

Morison could have been sentenced to 10 years in prison and fined \$10,000 on each of four counts. He was found guilty Oct. 17 of espionage and theft for sending the three photos to Jane's. He was also convicted of separate espionage and theft charges for taking portions of two other Navy documents, both classified secret, and keeping them in an envelope at his Crofton apartment.

Morison's attorneys argued that their client, a hawkish advocate of bigger defense budgets and a strong supporter of President Reagan, sent Jane's the photos of the first Soviet nuclear aircraft carrier under construction at a Black Sea shipyard, "primarily because he was interested in publicizing the Soviet threat."

"He felt that the ship represented a serious threat to the security of the United States and that if the American people recognized this threat, they would be more willing to support the president's plans for strengthening the U.S. Navy," the attorneys, Robert F. Muse and Mark H. Lynch of Washington, said in a presentence report.

The defense also argued that the photographs, though classified secret, did not give the Soviets any information they did not already have.

They said Morison sent the photos to Jane's, a British publishing house for which he had moonlighted for years as a yearbook editor, rather than to a U.S. publication because "the people at Jane's were the only journalists he knew. As events developed, Jane's distributed the photographs widely and they appeared in major newspapers news programs in this country . . . Mr. Morison never believed that disclosure of the satellite photos would harm the United States or give aid to any foreign country."

Morison's prosecution, sparked particular controversy because under the government's theory of the case, any leaker, and any unauthorized recipient, of classified infor-



SAMUEL LORING MORISON

... says act was mistake, not criminal

mation could be convicted of a crime, "no matter how laudable" the motives for the leak.

Young said this morning that he did not regard the Morison prosecution "as a First Amendment case." And Schatzow emphasized to reporters that none of the publications that printed the KH-11 photos, including The Washington Post and CBS, was indicted. But Justice Department officials also have made clear that neither government officials who leak such information nor receiving publications should consider themselves exempt from prosecution.

"Decisions will be made on a case-by-case basis," Schatzow said.

In seeking probation, Lynch and Muse proposed that Morison, who has an epileptic condition, be required to work as a volunteer at a Veterans Administration hospital. In prison, they said, "individuals convicted of 'espionage' are subjected to unusually hard and merciless treatment from other inmates As counsel, we have grave doubts about Mr. Morison's ability to function—or indeed survive—in a prison setting."