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Secrets Cubed

It isn't easy to make sense of the bizarre game the administration is playing with the press—and itself—over secret intelligence-gathering methods. But since the alternative seems to be jail, perhaps we'd better try.

A CIA Director William Casey has lately "warned" five newsgathering organizations (including The Washington Post, The New York Times and a few TV networks) not to reveal certain information that has come their way about signals intelligence, on pain of prosecution under a 1950 amendment to the Espionage Act.

Most of the stories at issue arise from the case of Ronald W. Pelton, a former National Security Agency employee (at \$24,000 a year!) who is now being tried for selling secrets to the Russians. The NSA, sometimes called "the puzzle palace," is the government's prime code-breaking agency.

But despite a Casey recommendation, the Justice Department has not yet moved against NBC, which defied the ban. Moreover, the prosecutor's opening statement at the Pelton trial indicated that the government would deliberately risk compromising some of the very "assets" it has been threatening the press over.

What is going on here?

I hold no brief for the view that the First Amendment entitles the press to treat espionage laws casually, even if they do raise First Amendment issues. The First Amendment bars prior restraint. Casey's threats are censorious in spirit, and perhaps intent as well. But Casey's blunderbuss threats hardly make reporters and editors wise or competent judges of what is or isn't in the national interest to reveal about codes and code-breaking.

The issue does, after all, have a history. It is only now coming to be generally understood how critical was the breaking of the German army's "Enigma" code to the Allied cause during World War II. It was even more important than the breaking of Japanese codes, which enabled the U.S. Navy to get the jump at the tide-turning battle of Midway. Such distant if memorable precedents may not settle present cases; they do counsel caution.

Yet a plaintiff must come into court with clean hands. When it comes to the disciplined

use and protection of intelligence secrets, this administration's hands are absolutely grimy.

One fatuous inconsistency was that the White House allowed itself to be badgered, no one knows why, into disclosing (in the president's speech justifying the bombing raids on Libya) the dates of intercepts of Libyan messages between Tripoli and East Berlin, making it far easier to guess which codes we had broken.

And now, after internal argument that must have left a lot of blood on the floor, the decision has been made to sacrifice yet more sensitive information in order to prosecute Pelton.

The implication is irresistible—that the secrets at issue here are substantially less valuable than Casey and others pretend. Otherwise, it would be gross irresponsibility to compromise them for the satisfaction of sending a single spy to prison.

Like last year's Walker spy case, the flutter and flap over code-breaking is in part another telltale symptom of the lunatic excess of secrecy. Classification has far outpaced the ability of government to warrant its integrity. (U.S. News & World Report says that 4.3 million persons hold security clearances, and 22 million more documents were classified last year.)

The Reagan administration has doubled the intelligence-gathering budget, with its usual inattention to perverse and paradoxical results. When it doubled the budget, it probably cubed the number of underpaid hirelings who, like Pelton, are told more than they should know and earn less than the Soviets can pay them to spy.

This mindless growth industry demands that unaskable questions be asked—such as how much secrecy we really need. If, for instance, it is considered important that the telemetry of U.S. or Soviet missile tests (under SALT II) not be coded, how much else about our weapons systems or command and control would it really be more sensible to leave open and uncoded?

A very real barrier to reform is that the possession of secrets, if only for the purpose of leaking them, is a prized badge of power in Washington. The best way to keep secrets is to have fewer. But it will not be easy weaning the small-time power-players from the small change of their cloak-and-dagger games.