

ABC NEWS VIEWPOINT
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KOPPEL: The invasion of Grenada--it focused attention on a conflict between the Reagan administration and the news media. Are present government efforts to control information essential for national security? Or do they deprive the press and the public of needed information? We'll explore these and other issues tonight.

ANNOUNCER: This is ABC News Viewpoint. Now reporting from Dallas, here is Ted Koppel.

KOPPEL: Of one thing you can rest assured this evening, each side can and will lay claim to doing only what is in the best interest of the nation. This is not an argument between good and evil but rather a question of when virtue becomes distorted by exaggeration. Is there, should there be such a thing as perfect security for a government and its agencies, neither leaks of accountability for classifying material. If you come to this issue with an open mind, you'll likely find yourself swinging backwards and forwards as the arguments are laid out. As you do, please remember that it is only within a vibrant democracy that such issues are even debated. Later in this broadcast, we'll through the discussion open to questions from our audience. But first, let's meet tonight's panelists. With us here in Dallas, Michael\Burch, assistant secretary of Defense for Public Affairs; Richard\Willard, acting assistant attorney general in charge of the Justice Department's Civil Division; Floyd\Abrams, one of the nation's leading First Amendment lawyers who argued the Pentagon Papers case before the U.S. Supreme Court; and Jack\Nelson, Washington bureau chief of the Los Angeles times. And joining us from our Washington bureau, New York Times columnist William\Safire and Patrick\Buchanan, commentator and co-anchor of the Cable News Network program Crossfire. Pat, why don't we begin with you, and let's see if you can outline for us what you believe the issue to be. BUCHANAN: Ah, well, basically, Ted, we've got a conflict here between the press and the administration. But just as ABC News realizes its got to maintain the confidentiality of its sources and the inviability of its dicussions and deliberations, I think the Washington press corps, which is succumbing to something of a chicken-little fever, if you will, ought to understand that the president of the United States, National Security Countil, Department of States, CIA have a right to the confidentiality of their communications, too, because the national security is at stake. And every directive and proposal they've made, I think, is in within reason for achieving that legitimate objective.

KOPPEL: William Safire, if indeed, ah, only the National Security is at stake, then what's the issue? SAFIRE: I think those of us, like Pat and myself, who were in the Nixon administration should make a special effort to be careful that a obcession with leaks doesn't pervade the administration and push us into a situation where the solution is worse than the problem. Burt Lance had a wonderful thing to say once, 'If it ain't broke, don't fix it.' And I don't think our security apparatus is broken. I don't think it needs any extreme measures to make sure that censorship is applied and free speech is stopped in this country.

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KOPPEL: Mr. Willard, if anyone seems to think that the, ah, that the apparatus is broken and is trying to fix it, I suppose the finger points at you. Why are you trying to fix it, and what are you trying to do? WILLARD: --During the last decade, in the wake of, ah, Watergate....

KOPPEL: Just move in a little closer to your mike, if you will. WILLARD: During the last decade, in the wake of Watergate and Vietnam, there's a great trend towards openness in government, uncovering secrets. But during the 70s, the pendulum we think swung too far, too much openness, a loss of confidence that our government could keep a secret when it really counts. We're trying to restore some of that balance. At the same time, though we recognize that openness in government is very important. We only want to protect a small number of limited secrets.

KOPPEL: How, Floyd Abrams, does one successfully protect a small number of limited secrets without in some way impinging and infringing upon the rights of everyone? ABRAMS: Well, you first have a rational classification system by which you make a decision as to what the small number of secrets are. And then you hire good people, ah, you try to keep them. And what you don't do, and what Mr. Willard has drafted and the administration has supported, is to say that because there are a small number of secrets which could get out that 127,000 people now have to be subjected to lifetime censorship, which is what this administration has proposed with respect to all toplevel officials who have had access to high-level intelligence and defense information.

KOPPEL: What does.... ABRAMS: It seems to me it goes much too far.

KOPPEL: What does lifetime censorship mean? ABRAMS: Quite literally it would mean that people who have had access to certain types of intelligence information while they're in the government must for the rest of their lives submit to whoever is in power at that time, whichever party may be in power, whoever may be there, anything that they wanna write or publish in any form, so long as it relates to intelligence in any way. What it means literally is that if this had been in effect in past administrations, that if people had wanted to criticize the, ah, intelligence failures in Beirut, for example, leading to the loss of so much American life, they would have had to submit that first to the administration that they were criticizing. That it seems to me, antithetical to any kind of notion of the public's right to information.

KOPPEL: Mr. Burch, ah, can one concede, while working for the government and while being concerned, ah, about leaks, that it is possible to go too far, that, that, that, I mean, one would have to assume, I suppose, that had these kinds of regulations been in effect that secretaries of State, former presidents, former secretaries of Defense who want to write their memoirs, would have a great deal of trouble doing so? BURCH: Well, I don't think that's the intent of the legislation. The fact that you have to submit for review items that you had access to, dealing with the top secrets of this government and protecting them I think is, is being responsible. I think that this whole game that the press is playing and priding themselves in reversing or in revealing the nation's defense secrets has gotten out of hand. It strikes me as sort of pathetic that the press would respect the confidentiality of, ah, let's say the Redskins' and the Raiders' play books for the Superbowl, ah, because that would be violating sportsmanship but they don't have the same respect for our nation's best secrets.

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KOPPEL: Jack Nelson, we're really talking about two different issues here. On the one hand we are talking about a press, which in many people's eyes has gone a little bit too far. And on the other hand we're talking about a government agency, which if it is permitted to carry out what it intends, maybe it is feared also going too far. See if you can, see if you can define for us a little more closely what those two issues are. Then we'll take a look at a taped report, and then we'll come back for more conversation. NELSON: Well, let me say this, that I think to begin with when Mr. Burch says that, that the press, ah, is playing a game, that's not true at all. The press is trying to find out what the government is doing not only in the Defense Department but in other areas of the government. And there are people within the government who are not playing a game but who think that, ah, there are things in the government that the people oughta know about. And so, that's what it really comes down to. It's not, it's not a question of any game-playing at all. And I've gotta say this about this administration, too, and William Safire's right about that. I think that he and Pat Buchanan, of all people, people who've been in the Nixon administration, oughta think about that. This administration is obsessed, absolutely obsessed with leaks. They have, ah, given lie detector tests, proposed giving lie detector tests to the very highest officials in this administration. I was told by somebody in the White House just two days ago that Secretary of State George Shultz walked in on a meeting with President Reagan and, and, William Clark at the time was the national security director, and Ed Meese was there, and that George Shultz says, 'The minute you try to give me a polygraph test, I walk out.' And that's the kind of administration it is. I talked to two different people in the White House who said they found the investigations of leaks in this administration to be absolutely hair-raising and harrowing. And so, I think that's really the issue here. And I, I believe that William Safire framed it very well.

GREENFIELD: The general principal that some secrets should not be aired finds agreement among journalists as well. PHILIP TAUBMAN (New York Times): There are times when we have agents in the field whose operations should be compromised if the press publishes things.

KOPPEL: I, I'd like to, uh, address a quick question to Mr. Willard. And, and the question, I guess, is this: Do you recognize that much of the leaking that goes on in Washington is, in fact, done not by dissident members of the administration, but by senior members of the administration who wanna get out a piece of information without having to accept the responsibility for it on the record? WILLARD: Well, I understand that is the way Washington has done business, but we're trying to change that. One of our goals is to change attitudes. There's a double standard that if you're high-ranking enough, you can get away with leaks, but the low-ranking people are the ones who, who will be gone after. Uh, Mr. Nelson was saying earlier on the show how White House staff members were complaining because for once, leak investigations were coming after them. That is the top, and no one is immune from being held to a, a standard of trust and that is, it's wrong to leak.

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KOPPEL: All right. We've only got about a minute-and-a-half left in this segment, so Jack, is it, I, I, and maybe it's unfair to address the question to a member of the press, but is it possible to function in Washington without leaks... NELSON: No, it isn't.

KOPPEL: For, for either the press or the government? NELSON: No, no it isn't. And as a matter of fact, and Mr. Willard must certainly know this since he's in government, that many, most of the leaks that come out of there are what we call official leaks. They come from people within the administration who are, for example, floating trial balloons, and you know that. And sometimes they do involve matters that could be classified as national security.

KOPPEL: No, I, that's a, but Jack, I think, I think Mr. Willard has freely conceded that point and says he's against those, too. NELSON: Oh, I know. But, but, but I think it's, I don't wanna say naive, but I think it's naive to say, to think that this could be stopped, because this is at the very highest level, and I'm sure in many cases it done with the presidential knowledge. So you're not gonna stop leaks like that. I mean, I think that's ridiculous to say you'd stop that kind of a leak.

KOPPEL: Go ahead, Mr. Willard. Take another 30-second crack, and then we'll take a break. WILLARD: Well, I mean, that's, uh, that is the traditional Washington attitude is nothing can be done. Uh, Bill Safire, in his column today, said, 'the best thing we should do about leaks is nothing.' 'Course, he said the problem was imaginary. Uh, we're trying to change those attitudes.

KOPPEL: All right. We'll be back with more questions from our audience here in Dallas when we return.

KOPPEL: Our topic again, government efforts to stop press leaks and control information to the media. We're ready for more questions. Go ahead, sir.

UNIDENTIFIED MALE: OK. My question is that, does the U.S. administration really seriously think that by asking the top officials to submit their speeches for approval will stop the leakage of secrets, and if so, how?

KOPPEL: Mr. Willard, I guess that's most appropriately directed to you.

WILLARD: Well, the obligation applies, we think, to current officials to avoid making unauthorized disclosures, uh, but also to former officials, people, once they leave the government, especially who've had very high office, uh, carry around a lot of secrets with them, and that's the purpose of the prepublication review program. Uh, they don't have to submit everything they ever write, but if they wanna write about intelligence operations, uh, then they do submit it for clearance.

KOPPEL: Don't we have the, the extraordinary situation where an administration in power is usually in the position, then, of declaring whether the papers of an administration out of power and usually unfriendly, are, ought to be, remain classified or become declassified? Isn't it likely that a little friendly political rivalry might play a role there? WILLARD: Well, that's why we've

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tried to build a number of safeguards into the system. The main one is judicial review. Uh, if we want to censor material that's submitted, we have to be able to prove in court that every word we want to take out is classified and properly classified. So there is this safeguard, and one we've traditionally relied upon.

KOPPEL: Bill Safire, you did, indeed, today write a, a column critical of this whole movement. Uh, explain to us why you're so critical. SAFIRE: Well, I was just about to toss in a question to Mr. Willard. Uh, isn't the president, under his plan, exempted from, uh, that lifetime censorship? WILLARD: President, uh, is not legally bound by employment agreements. (audience laughs) Uh, neither are members of Congress. Uh, so the, uh... SAFIRE: Everybody in the administration is except the president and vice president. WILLARD: And members of Congress. SAFIRE: Right. So why, if President Reagan believes that this is a good idea, is he not willing to embrace it for himself as well? WILLARD: Uh, the reason is there's no legal basis for requiring that of elected officials. There is for people who are employed by the government. That was the basis of the Supreme Court's decision in the *Sneep case, which is the basis for this. SAFIRE: Certainly, though, if, if President Reagan, uh, agrees with you and thinks this is a good thing for every member of his administration, he should certainly take the lead and set an example by saying 'this is what I'm gonna do, too.' WILLARD: Well, I'm sure that the president will take steps that, when he leaves office, uh, to make sure that he doesn't disclose classified information. VOICE OF BUCHANAN: Ted, Ted, can I make a point on this?

KOPPEL: Yeah, go ahead, Pat, and then I do wanna move on to another question. BUCHANAN: Uh, right now, the members of the Central Intelligence Agency, as a consequence of the Sneep decision, they are not allowed to profit by exploiting secrets that they've been given while in the service to the country in the CIA. They're not allowed to make a lot of money on it by taking these secrets and publishing them. As I understand it, all that's being done is applying this rule to people in the National Security Council, Department of Defense and the rest of it. And I don't think that anyone who signs a statement sayin' 'I won't exploit these secrets' and then goes out and does it oughta make a commercial profit from it.

KOPPEL: You know, it, it sometimes reaches rather extraordinary lengths, though. I just saw Frank Sneep out in California, uh, a few weeks ago, where he's now teaching, I believe, at USC. BUCHANAN: Right.

KOPPEL: Do you realize that the regulations now are so strict that he cannot even take notes to deliver lectures because the government would have the right to subpoena those notes? BUCHANAN: - No, I was unaware of that. But I do know that his book, where he did take those secrets and try to make a bundle out of them, was wrong. And if he had gotten away with that, everybody in the CIA'd been doin' the same thing. I don't think...

KOPPEL: Yes, yes... (pointing to someone in audience) Go ahead, Pat. Finish the sentence. BUCHANAN: No, no. Go ahead.

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KOPPEL: I'm gonna on to another question. Go ahead, sir. UNIDENTIFIED MALE: Yes, uh, my question's for Mr. Willard. Uh, given the government's proposals, what is the Justice Department's response to the debate among the experts as to the scientific validity of polygraph examinations and their admissibility in a court of law? WILLARD: There is a great deal of controversy about use of the polygraph, and we think that the government should be very careful about using it. It has been, uh, a regular part of CIA security procedures for some years. The same for the National Security Agency, another part of our intelligence community. Uh, we think use of the polygraph should be limited to very narrow circumstances, primarily people who have access to very high security information where it's, uh, important to leave no stone unturned to make sure that people are trustworthy.

KOPPEL: And yet, you're talking about 120-some-odd thousand employees of the federal government who would fall under this rubrick, right? WILLARD: Well, 127,000 sounds like a lot, but when you consider...

KOPPEL: Yes, it does. WILLARD: There are 5 million federal employees, 2.5 million of them who have, uh, clearances for classified information, uh, the number we're talking about is very small.

KOPPEL: All right, sir, let's go to your question. UNIDENTIFIED MALE: I'd like to ask this question also of Mr. Nelson or to you, Ted. I'd like to know, I think one reason the Reagan administration appears somewhat paranoid is they feel that perhaps the press will report the, uh, matter in an irresponsible way. I'd like to know what sort of internal procedures you have for screening the information if, in fact, it does involve something that could breach our national security or endanger some future operation that we have. Are there channels that the reporter has to go through before they can, you know, print those stories?

KOPPEL: Let me, if I may, defer to Jack, because Jack is also the bureau chief of the Los Angeles Times and, therefore, has the administrative role as well as that of the journalist. NELSON: Well, let me, let me say this, that every story that comes into the Los Angeles Times-Washington bureau, as an example, goes through two different editors, goes to Los Angeles and goes through at least two other editors. Now, do they go over this story to see if it may jeopardize some operation? I can't say that that's true, that they would look as to whether or not a particular operation might be jeopardized. But I also don't think that, that's our job. Our job is to get the news and the best we can do to get all the news, and to write it in an impartial manner. Uh, if we had some idea that, uh, a life was at stake, I'm sure that that would be taken into consideration. But outside of that, that's not really our job.

KOPPEL: Let me give you one small... WILLARD: Could I...

KOPPEL: Yeah, go ahead. WILLARD: I, I just wanted to comment on that, Ted. Uh, I think, uh, Jack's comment is typical of what most people in the press feel. That is, their job is to find out news, try to report it accurately. Their job is not to safeguard national security information. That's our job in the

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government. NELSON: That's true. WILLARD: Uh, and our program in this administration is designed to try to make government employees do a better job of keeping things secret that oughta be kept secret. We have not proposed to put new restraints on the press. I agree with Floyd Abrams. NELSON: Well, that's not... WILLARD: That would be, uh... NELSON: Now, wait a minute, though... WILLARD: Unconstitutional and... NELSON: That's not really true, though. You are putting restraints on the press when you put people under threat of lie detectors, when you close off sources of information, which you do, and in the Defense Department, the sources of information have been narrowed tremendously. When you attack the Freedom of Information Act, when you roll back openness in government policies that have been developed since Watergate, uh, you've said so yourself, that in the '70s because of Watergate we had a much more open government. We did. Under the Reagan administration, we've got a much more closed government. And as a matter of fact, there's no indication it's gonna become any more, any less closed. In the, in the three years of the Reagan administration, the reporter's committee of freedom of the press has catalogued 30 different steps that this administration has taken to cut down on information that was once available to the public. And so that the Grenada news blackout was really no more than a logical extension of the kind of policy that this administration has in dealing, and it's not just dealing with the press, this is dealing with the public. WILLARD: Well, but I think you miss my point. Uh, by your own admission, you said the press, once they get a story, will run with it if they think it's accurate and newsworthy. NELSON: That's right. WILLARD: Uh, therefore, if we're going to keep these vital secrets about intelligence operations, military plans and weapons, uh, from getting out, uh, we have to be careful, in the government, to do a better job of keeping it secret in the first place. We don't propose to go after the press and punish them for finding information out and publishing it. What we wanna do is do a better job of keeping it from getting out in the first place. And let's keep in mind, uh, American citizens aren't the only ones who read the newspapers. Uh, the KGB does also. ABRAMS: Yeah, but one of the problems is that when you talk about vital secrets, uh, you seem to suggest that vital secrets are leaking out every day. Uh, in the testimony given before the House Government Affairs Committee, uh, by you and other people in this administration, it was, there were two examples in total over the last five years of information of the sort that might have been prevented from being published if your secrecy order had been in effect, two examples of sensitive, compartmented information. Now, the House Committee on Government Operations concluded that with that small an amount, it was an extraordinarily exaggerated reaction of the administration to get into this 127,000-person, at this point at least, the government being the size it is, restriction on what people can say. And on lie detector tests, we're talking about 2.5 million people, as you said earlier, who would be subject to lie detector tests. Now, that, that's, that's being bitten by a flea, Mr. Willard, and if you wanna tell us what sort of information has gotten out, just by way of example, it would be very helpful. WILLARD: Well, I think...

KOPPEL: Mr., Mr. Willard, give your response, and then we are gonna have to take a break, so... WILLARD: Well, I think you're going, playing fast and loose with

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the, uh, statistics, Floyd. That same, uh, House committee found there had been 328 leaks of classified information in the last five years. In terms of use of the polygraph, we've not proposed to give it 2.5 million times, but to use it as a tool of last resort in investigating these cases, which has been done, by the way, in the Carter administration as well.

KOPPEL: When you're talking about those 300-plus leaks, of the variety that you were describing before, of, of high intelligence, or that would jeopardize national security? WILLARD: Many of those were. Now, what Floyd was talking about were leaks in published books or speeches of the category known as SCI, and that's where the number two comes from. But in terms of the anonymous leak, the kind of leak we saw in the opening scenes of this show, uh, those leaks, there're many more than two.

KOPPEL: All right. WILLARD: There're hundreds.

KOPPEL: Thank you. UNIDENTIFIED FEMALE: Seems to me that the issue is, uh, one of free speech as opposed to license. Uh, I think the public perception of the media in this country has become, uh, that the, the, the media is extremely critical of our government and certainly not nearly as critical as it should be of the Soviets and some of the things, the atrocities that they are perpetuating, for example, on the people of Afghanistan. Uh, when you say, Mr. Nelson, that it is not your job to, uh, to safeguard the national security of our country, uh, you're there to report the news, I would suggest that along with the rights and privileges of exercising your profession in this country, you might perhaps consider that there are duties and responsibilities of citizenship which perhaps would require attention to whether or not the national security of our country would be jeopardized through your published stories.

KOPPEL: Jack? NELSON: Well, let me say that if I left the impression that I would do anything to endanger national security, I didn't mean to leave that impression. What I do say is my job is not to go around trying to find out whether or not the information that I get ahold of is something that involves a national security operation that would cause some problem for the government. Most of the information that we get ahold of, when they complain that it's national security and it's causing the government a problem, it's more of an embarrassment than anything else. Now, uh, when Mr. Abrams was answering, uh, Mr. Willard over here, Mr. Willard talked about the 328 leaks. He didn't give you any information as to how many of these leaks actually resulted in any danger to the United States, and if you'll look back over the years, this, I mean, I really think this is a red herring about all the danger that may be caused to the national security of the United States by anything we ever publish. If you look back over, ask Mr. Willard, in the past 25 years, for example, ask him how many instances the press have, has published anything that resulted in any danger to the national security of the United States. I'd like to hear some examples.

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KOPPEL: I'll tell you what. We're gonna give Mr. Willard two-and-a-half minutes to think that over. We'll continue in just a moment.

KOPPEL: We're back again from Dallas. When we left, Mr. Willard, Mr. Nelson had challenged you to cite some instances over the past 25 years when leaks that were published in the press had jeopardized the national interest. WILLARD: Well, what he knows is that I can't give and won't give precise examples, because they're classified. (audience laughs) The, uh, I'm sure he would like to have me reveal some classified information on the air tonight; I'm not going to do it. But I can give, uh, categories of damage that are caused. Uh, intelligence sources, agents abroad, have their lives endangered by some of these leaks. Our ability to obtain intelligence information is cut off. Uh, specific sources of information we have in sensitive parts of the world which could be very valuable in protecting American fighting forces are choked off as a result of leaks. Uh, expensive technical collection systems are compromised and no longer produce the intelligence they once could. Uh, plans for military weapons and operations get out and into the hands of potential adversaries. Those are the kinds of things that happen, and I am frankly astonished that anyone who is as familiar with the, uh, Washington and government could take the view that leaks don't damage national security. They do. The question is, uh, what's the best way to get at the problem? And that's what we've tried to do is strike a balance. We want to do something about the problem in a reasonable way. ABRAMS: What astonishes me is that we sit here tonight and Mr. Nelson asked you a question about 25 years of American history, not yesterday, not last year. Why don't you try for us, just try... (chuckles are heard) to think of a single instance, not of categories, but of fact, and tell us what it is? WILLARD: Floyd, I wasn't here 25 years ago, I wasn't here 20 years ago. Uh, I can't do that. Uh, we have, however, provided this information in closed hearings to members of Congress. ABRAMS: The same people who are not persuaded by the need for the very things that you have been advocating. WILLARD: Well, I unders... I see no member of Congress is here tonight to take that position publicly, uh, and to defend the legislation that has blocked the implementation of the president's programs, uh, in this area. Uh, we're going to appear on Feb. 7, in fact, before a closed hearing of two House subcommittees to present that same, uh, evidence and those examples.

KOPPEL: I don't wanna cut you off, but Mr. Buchanan wants very much to get into this discussion, and then we'll go to another question. BUCHANAN: Yeah. Ted, if memory serves me, back in 1965, there was a leak of the U.S. fallback position in the SALT negotiations. I believe it was one of the leaks that triggered the initial wiretaps in which my colleague here was, was tapped unfairly and wrongly. But nobody, the American people did not demand to know what the United States fallback position was. This was a reporter who got this story, got it out and, in his own judgment, printed it. And as far as I know, it was a serious matter. Jack Anderson's leak from the National Security Council that the president had said that the United States should tilt toward Pakistan in the Indo-Pakistan war. Now, I don't know how that served the, the real needs of the American people, but you know that damages United States relations with the country of India and the subcontinent, uh, probably as much as the initial tilt itself did. So there's a lot of cases here, I think, in which leaks have damaged. We've got, uh, Mr.

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McFarlane, there was a report that Bud McFarlane had recommended possible American airstrikes on Syrian positions in the National Security Council at the very time he was about to return to the Middle East. Now, a leak of something like that, if it was true, could very well get Mr. McFarlane killed. So I think the idea that there's been no leaks that've been serious inside the administration is, uh, is really fallacious.

KOPPEL: All right. We're, we're gonna have to go without a question in this segment. Jack, if you wanna respond to that, we'll... NELSON: Well, I think that the last one that Pat mentioned, and I think he knows this, is a phony. McFarlane himself never said anything about being in any danger, and I think it's been pretty well accepted that he wasn't in any danger.

KOPPEL: What about the other two? BUCHANAN: Well, let me talk to that...

KOPPEL: What, what, what about--hold it Pat--what, what, what about... NELSON: Well, I know about the Jack Anderson leak, and I guess it upset India. I can't see why that was any great national security matter for the United States.

KOPPEL: Well, and I remember the fallback position on the SALT talks. NELSON: And the fallback position on SALT, I mean, I don't know that that was any catastrophe. And if that's the only three things that you can name in the past 25 years, I'd say that that's a red herring. BUCHANAN: But the American...

NELSON: I do not think that newspapers, as a general rule, or television stations or networks, are printing leaks that endanger national security. I mean, I've been a reporter for 35 years. I really just can't tell you of any instances I know of where I think national security has been endangered.

BUCHANAN: Well, the American people didn't elect you, Jack Nelson, to determine what's in the national security interest. (applause) NELSON: Well, I, I...

BUCHANAN: They elected the president of the United States, who's got the right to determine what is classified as secret and not secret, and you have exercised a unilateral right in doin' it, I think, in an irresponsible manner, because you don't answer to anybody. NELSON: Well, that's all right. But I am at least entitled to my point of view, as you are to yours, Pat. BUCHANAN: You are.

KOPPEL: All right, mam, go ahead. UNIDENTIFIED FEMALE: I would just like to point out that this lifetime censorship really didn't originate with this administration. I worked for a Bureau of Ordinance project back in the late 40s on guided missiles, and I signed such a statement at that time. And what I can't understand is why its gets so important to use classified information in your writings. Why can't you write whatever you want to and make it interesting without using something that would jeopardize the security of our country?

KOPPEL: Well, I think, I think we're confusing a couple of issues here. I mean, first of all, the regulations that are being discussed here are, are not impediments to journalists, I mean directly. They're indirect impediments. No one's talking here about, about journalists having to sign any kind of pledge. These are government officials that we're talking about. UNIDENTIFIED FEMALE: But I mean people who have been in classified, have been having access to classified information having to sign that. I can't see that that's such a, a terrible inconvenience to them, ah, to be under that restriction.

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KOPPEL: OK. Mr. Safire, do you wanna respond to that? SAFIRE: Well, more and more people are moving from government into journalism and vice versa, and that's a good healthy thing. Whenever you leave government, you know the way it really is, you know how things work and you have a body of knowledge so that when somebody comes and says something startlingly wrong, I mean basically mistaken but clothed in that wonderful, official gobbledygook, you, as somebody who's left, can say, 'Now, wait a minute. You're saying that this classified information that you're quoting from is the truth, and I know it's not the truth.'

KOPPEL: Yeah, but Bill, we're not talking about your, your enhanced ability to distinguish gobbledygook from the truth. We're talking about whether you, based on classified information that you, that, that, that was accessible to you while you were in government, have the right to use that information now as a journalist. SAFIRE: When I see that somebody is using classified information to confuse or mislead, I, remembering the classified information I got 10, 12, 15 years ago, feel absolutely bound, duty bound to say, 'No, that's not right' And I know it's not right. BUCHANAN: Let me talk to that, Ted. Look, when I was in, had the shared offices with Bill Safire, we both had access to a bit of, ah, I'm sure top-secret information. I knew the Cambodian incursion was coming and a few other things. Now, it would have been a dishonorable thing for me, disloyal, a betrayal of the president, a betrayal of the trust everybody put in me for me to take and put that information out in the public to damage some policy. Now the problem we have is journalists out there are getting the benefit of that kind of disloyalty, and they're profiting from it. Now, why is it wrong for me to have put that material out as a government employee but somehow right and a wonderful thing for me to do to publish that same kind of information when I become a journalist?

KOPPEL: I don't think that's what Bill was saying, though. I he was saying if he uses, ah, his knowledge of that classified information in the sense that it tells him that something he is being told by a government official is wrong, that that somehow is, is more acceptable. You don't buy that? BUCHANAN: Well, no. I think what he's sayin', I guess I buy he's sayin'. And look, if he's sayin' the knowledge and information he's gotten in government makes him a far better journalist, ah, A, I agree with him and, B, I don't see any problem with that. But what I'm talkin' about is, is look, what I'm sayin' is if it's, it requires an act of disloyalty in the part of an individual to get top-secret information into the public's hands. And journalists oughta say to themselves, 'Look, what I am feeding off of, living off of is breaches of trust and acts of disloyalty on the part of government employees, and that's a problem.' SAFIRE: But, Pat, what, ah, Brother Willard over there is saying is that you will not be able to write about what you know happened 12 years ago that had anything to do with national security without first submitting it, if the law goes through, without first submitting it to a censorship board. You wanna do that? BUCHANAN: But look, if I've, if I've signed, if I've gone in and I've said, 'Look, give me \$60,000, Mr. Reagan, and put me on your National Security Council,' and I've signed that agreement that I will not reveal that or use that, exploit that information for personal profit and I go out, then I think I oughta be remained faithful to that trust. I don't think I should break it and have a right to make money doin' so.

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KOPPEL: All right. Floyd, Floyd Abrams, go ahead. ABRAMS: I think, Pat, the questions is not whether you should break it. The question is whether you, if you'd signed Mr. Willard's agreement, should have to submit for the rest of your life everything that you write about national security or intelligence matters.... BUCHANAN: Well, Floyd, that.... ABRAMS: ...whenever you've learned it, whatever it is. BUCHANAN: Floyd, you know contract law. If I've signed an agreement, made a statement I'll do it; what right do I have to break it? ABRAMS: Well, the question, Pat, is whether we oughta have the agreement. There is no agreement like that now. Mr. Willard wants the agreement. No administration has ever had an agreement like this, which would have compelled you and Bill Safire to submit for the rest of your life everything you wanna say about intelligence. That's new. BUCHANAN: There's 11,000 guys at the Central Intelligence Agency that are doing that right now. What is wrong with applying that to the NSC? ABRAMS: And you two weren't any one of them. I mean, it seems to me the idea of applying CIA standards across the whole range of top-level government officials is one of the things that's wrong with what Mr. Willard wants to do.

KOPPEL: All right. Mr. Willard, you, you get a, you deserve a chance to respond, and then we're gonna have to take another break. WILLARD: Well, but that's exactly the point, that is, there has been in the past this double standard, one set of standards for the working intelligence agents in CIA that's very strict and yet when you get to the State Department or the White House, all bets are off. What we're trying to do is introduce some leveling of standard so that the same standards apply to people who have access to this very sensitive information. It's a simple matter of fairness, ah, with regard to these employees.

KOPPEL: OK. Let's take a break. We'll be back with more in just a moment.

KOPPEL: As our long-suffering affiliates know, this program has an insatiable appetite for time. We have almost run 90 minutes already. We're going to run a little more. So, please be forewarned we're gonna go over just a bit. We're ready now for another question. Go ahead, sir. UNIDENTIFIED MALE: This is a question for Mr. Burch or Mr. Willard. And what I'm interested in finding out is whether you think the Reagan proposal and especially the threat of the polygraph will essentially chill all whistle-blowing, including leaks such as the Defense Department paying a hundred dollars for a bolt?

KOPPEL: Mr. Burch? BURCH: Let's first, ah, talk about paying a hundred dollars for a bolt. Most of the stories that you see reported in the press come from, ah, our own audits and our own investigations. And, in fact, those things are put out in news releases at, at the Pentagon. We, in fact, encourage whistle-blowing. We have a hot line, and, ah, we publish this number on all our bases and installations. We even run in the New York Times and encourage people if you see waste, fraud and abuse to call this number and report it so we can investigate it. What we're interested in with polygraphs is protecting our nation's most vital secrets. It's, it's that simple.

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KOPPEL: All right. Let me just follow up, then. If indeed the objection by some of the highest and, ah, Jack Nelson's story about George Shultz is not the first time I've heard that story or seen it, if the secretary of state feels that strongly about, ah, and if indeed other senior members of the government feel that strongly about it and if indeed the science, in quotes, of lie-detecting is not all that perfect, you still gonna press ahead? BURCH: Polygraphs have worked for years at, ah, the National Security Agency. I brought along a few examples where the National Security Agency uses it as a screening process for perspective employees. Samples: One applicant admitted contacts with the Soviet embassy, and he planned to, ah, defect, yet he was seeking employment with the National Security Agency. In another, a contractor admitting to having, admitted to having passed secrets to a foreign national and said he would do it again. This was revealed through a polygraph investigation. Another, an applicant admitting having worked for another country's intelligence service and if employed by the NSA he would pass information to his former employer. And in a fourth incident, an applicant admitted that he would have no compunction about selling U.S. secrets if it would guarantee him a profitable living.

KOPPEL: These, these don't sound like the kinds of questions, ah, that, I mean, used in a polygraph where you get kind of a yes and no. (Laughter) Ah, I mean, don't, don't you think that would have come out in a, in a fairly tough job interview all by itself? BURCH: No, not entirely. Ah, it is used as a screening process for applicants in the National Security Agency and in other positions that require access to, ah, to our highest secrets. And if you want to get into other types of investigations, the polygraph is, is not the only form of investigation that's used. It's, it's only used to compliment the investigation. It's not an end unto itself.

KOPPEL: All right. Bill Safire? SAFIRE: They're an abomination. You notice the way both, ah, government officials on the air tonight are saying, 'Well, as a last resort and they're not the only thing we use.' They know and scientists particularly know that we're not talking about lie detectors here. We're talking about nervousness detectors. And good liars can beat the lie detector and often do. And people who are telling the truth are scared, are nervous. That's a terrible situation to be in when you're suddenly confronted and if you say something wrong the needle will jump and you'll be ruined. So, they get nervous, and they show up as liars. Now, the....

KOPPEL: Does not a good, does not a good examiner, Bill, is not a good examiner able to distinguish the difference between normal nervousness and lying? SAFIRE: The answer to that is no. Ah, sometimes he can. Often enough he cannot. And that is why federal courts will not admit lie detectors as evidence under that law. I write fiction, and I can tell you that it's a horrendous besieger. I wonder, ah, I read in the paper some sentiment in the Congress for even backing up a step now that the president has set forward the new executive order, backing up and saying, 'Maybe we oughta back off from a lifetime commitment, that's a long time.' Mr. Safire, do you see any sentiment at all for limiting this kind of prepublication review to say 15 years or some reasonable period of time after you leave government service? SAFIRE: Well, the, ah, the

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Willard plan has been stopped by the, ah, by the Congress. Senator Mathias, in particular, of the government, Government Affairs Committee, ah, put a six-month hold on it, and next month he'll be holding hearings on this. And I think the virtue of a program like this is to call attention to hearings like that, at which people like you can come forward, testify and say that this terrible move, ah, would attack free speech in America and there's no crisis that has called for it. And, to come back to what I first say, 'If it ain't broke, don't fix it.'

KOPPEL: All right. Folks, ah, we're getting into the closing minutes of this program. Ah, we will go to a few more questions. I'd like, if possible, for you to frame the kinds of questions that perhaps can give our panelists here an opportunity to summarize their views. Yes, mam, in the, in the back?

UNIDENTIFIED FEMALE: Ah, up until this point, Mr. Nelson, you've spoken about judgment in deciding story selection. I was wondering if there are any formal controls at all concerning story selection and monitoring stories. NELSON: Any formal controls? UNIDENTIFIED FEMALE: Uh huh. NELSON: No, not really. I think that, ah, you know, the editors of every newspaper, not just the Los Angeles Times, take it very seriously. And, ah, I earlier obviously left the impression that, ah, we go around not thinking at all ever about national security, if it may be involved--that's not true. Newspapers have held stories out before. I can remember one specifically that we held out, the Glomar Explorer, which was the sub that was used, the, ah, ocean, ah, vessel that was used to pull up a Russian submarine that had sunk. And....

KOPPEL: You got beat on the story--didn't you? NELSON: Well, we, we wound up getting beat on the story, exactly right. And, and, and, as a matter of fact, about 10 or 12 different newspapers, networks, ah, news magazines all agreed to hold it up. And Jack Anderson finally broke it on the radio. And I don't think anybody ever showed that national security really suffered from it. But it was one we held up. And, ah, it was done at the highest level of the newspapers and the networks because they thought, the government argued, the CIA argued that there was a national security question involved. So, it's not that when it's involved we don't pay attention to it. And I, you know, I'd like to make that very clear. On the other hand, it really is true that it is our job to find out what's on, going on in government. And many times people in government, like Mr. Willard, think that it's their job to keep us from finding out what's going on. But, thank goodness, there are a lot of people in government who think that people are entitled to know what the government's doing. And that's why we found out, because there are people in government who are willing to tell us.

KOPPEL: Let me just, let me just cite one more example of an instance in which several of us kept a story back, and, and I cite it only because the reason is so clear. It was possible for officials to point out to us that the effect of our publishing the story would be to endanger the lives of some Americans. And the ones that I'm talking about were the Americans who were, who were being secreted at the Canadian embassy in Iran. NELSON: That's right.

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KOPPEL: Several of us knew about that story for several weeks and did not run it until they were out of the country. There it was possible to show A leads to B. With many of these stories it's much more ambiguous. Go ahead, sir.

UNIDENTIFIED MALE: Mr. Willard, Mr. Burch, don't you find it somewhat disconcerting at this point to be adopting a the Nixonian philosophy that the press is the enemy and that you really are going overboard, that the problem is not nearly as great as you'd like us to believe it is and that the measures that you're really attempting to adopt are, are very totalitarian in nature and taking us down a very dangerous road?

KOPPEL: All right. Let's consider, let's consider this the last questions, and we will go all the way around. Mike, if you wanna begin. BURCH: That's a good question for me to summarize on. The way the questions have been put to me this evening, it makes it seem like I'm anti-press. I am not. I am all for free speech and freedom of the press of this country. It's one of our, our nation's greatest treasures. The newsmen that covered the Pentagon are some of the most professional, fairest newsmen that, ah, that I've ever come across. I have gone to newsmen before and asked them to hold a story because it endangered lives. They did it, and we were able to, ah, to move people to safety. I think the press can be responsible. But I think that there has been a, ah, there have been some barriers built between us. I don't think that they're great. I don't think that they're insurmountable. And, ah, and I think programs like this and a discussion such as we've had here this evening are healthy. And I, you know, I thank you for asking that question.

KOPPEL: All right. I wanna go back and forth a little bit. So, Floyd Abrams, why don't you pick up on, on the same question on the theme? ABRAMS: Well, I, I suppose what troubles me most as I think back on our discussion and I think about your question, is that as, as I react to what I've heard and mostly from Mr. Willard, it seems to me that we have before us proposals which I think are fair to call radical in scope by this quite conservative administration and radical wrong in scope, ah, to this degree. We can't apply, shouldn't apply standards that have generally been applied only to CIA agents to the full range of top-level government officials. It's a good thing not a bad thing for Secretary Vance, Secretary Weinberger, top officials of the government, when the leave office, to comment unfavorably, if they believe, on the views, policies and the like of their successors. It's very important. It's very important 'cause in part they know best. They may be wrong, but they know best, and in part because what they know about is so hard for the rest of us to understand. MX missile type arguments are scientific arguments in part. We need the people who've been in government to comment on it. And what troubles me about the, the sweeping scope--we're talking about the secrecy agreement now, but I could talk about other things--is how out of step it is with what I think is a good thing for the public to be able to hear and how out of step it is, as well, with the notion that we can't trust the government to engage in the role of censor.

KOPPEL: All right. Let's.... ABRAMS: And that's what's wrong.

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KOPPEL: Let's go on to Pat Buchanan, please. BUCHANAN: Ah, well, Ted, first, you know, this, this has gone through a theme that we cannot trust the government. Well, there's an awful lot of Americans who do trust Ronald Reagan and his government and don't trust the press. What we're getting here, I think, and we're not recognizing is a tremendous dichotomy. The press at one in the same time wants to be the neutral objective observer and then to be the adversary press. It wants to say, 'Look, what you're going in Grenada is as bad as what the Soviets are doing in Afghanistan' and then say, 'You must take us down to Grenada and show us what's going on.' The press is making the enemy as too strong. The press is hostile to this administration's, this government's foreign policy in Central America and in Grenada. There is no doubt about it. And if the press and the administration are at odds on this and have great difficulty with it, I think we're going to see a lot more of it in the future. And one final point, it is ridiculous to the, for the press to say that, 'We represent for the American people. We speak for the American people.' We speak for ourselves alone. (Applause)

KOPPEL: All right. Jack Nelson? NELSON: Well, to begin with, ah, Pat's wrong when he says the press has been talking about, ah, the United States doing the same thing in Grenada as the Soviets did in Afghanistan. He said he read that in the New York Times. It may be true. He may have read it somewhere else. I don't know, but generally speaking the press has not said that. I don't believe the press believes that. I also do not think the press is hostile to this administration. On the contrary, this administration, in my opinion, has gotten off very light. Not only that but President Reagan, the gentleman back here earlier asked me did I hate the president of the United States. As a matter of fact, President Reagan is a very likable person, and, and the press generally likes Mr. Reagan. And if you ask people in the White House, they would tell you that. They like him. They did not like Jimmy Carter. And, but contrary to what Pat Buchanan says, there is no hostility by the press to this administration or to its foreign policy. But there is hostility, there is hostility by this administration to the press. There's no question about that. And one way that Mr. Reagan gets by with it is that he doesn't bury things the way Mr. Nixon did. He does everything with a smile, and he does it with a joke and a one-liner. And what he did, for example, in Grenada, you had a ceremony in Washington where General Jimmy Dolittle was, who led the raid on Tokyo, and Mr. Reagan turned to him and in a very joking way said, 'General, I meant to ask you how, how did you manage to keep the press from going with you on the Toykyo raid.' Well, now, you know, that may be kind of funny, but what I'm sayin' is he doesn't take this issue seriously. He doesn't think it is a serious issue. I don't think he understands the role of the press in the United States. And I disagree with Pat Buchanan. I think in some respects we do represent the public because if we don't represent the public in finding out what's going on in the government, you tell me who does because the average citizen cannot go out and find out. (Applause) Cannot, cannot, cannot go out, the average citizen cannot go out and find out what's goin' on at city hall, in the county courthouse, the state capitol or in the White House. And so, I think that we do do that. Now, we do a bad job of it sometimes. We're irresponsible. We're very, ah, fallible organization, but we do our best.

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KOPPEL: Jack, if I were you I'd quit while I was ahead. (Laughter) Mr. Willard? WILLARD: I don't, ah, it's a tough speech to follow. (Laughter) I don't fault the press for the way it does its job at all, and I don't think very many people in the administration do. It's the job of the press to try to find out information and present it as they see it. But it's our job in the government to try to do what we're supposed to do. And one of the things that we're supposed to do is keep certain things secret. And all we want to do is to keep government employees to live up to their trust and confidence, not to disclose certain kinds of very sensitive classified information. Now, I know a lot of things are overclassified. Bill Safire, in his column today, admitted to overclassifying a speech, ah, which, ah, would be a violation of President Reagan's directive on the subject. But, ah, there are also a lot of real secrets. And I think the American public has to ask do they think the government is doing too good a job of keeping vital secrets. I don't think it is. I think we can do a better job and still have a very free, ah, robust press.

KOPPEL: All right. Bill Safire, you represent the robust press. You got the last word. SAFIRE: Well, ah, Mr. Willard there is a nice and honorable and patriotic young man. (Laughter) And I think, ah, he....

KOPPEL: That's the nastiest thing anyone's said on this program. (Laughter) SAFIRE: I think he embodies 1984 in the Orwellian sense. I think there is a real danger to our, our freedom. I'm a right-winger. I have always worried about too much government, too much government power imposing itself on the individual. I like to believe that a lot of conservatives and reactionaries and right-wingers with me, ah, resent government intrusion. And in this case, what we're seeing is unfortunately the same infection of a administration that I saw, to my horror, in the Nixon administration. And what I'm trying to do in my own way is to blow the whistle and say, 'Hey, fellows in the Reagan administration, this is the same thing that led us down that, that primrose path, that excessive obsession with security that attack the center of conservative principle, which is the right of the individual to speak his mind.

KOPPEL: All right. Gentlemen, I thank you all very much.

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