

QUINCY PATRIOT LEDGER (MA)
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Casey's power play

The director of central intelligence. Prominent editors of an influential newspaper. Classified espionage information. Threats uttered over the luncheon table.

Good stuff for a novel of high-level intrigue and power plays along the Potomac.

But they happen to be the real-life ingredients of the latest skirmish between government and press over secrecy, national security interests and the right to publish.

The principals are William J. Casey, director of central intelligence, the Justice Department, editors of *The Washington Post*, two other newspapers and two news magazines.

Casey evidently believes the publications have classified information they shouldn't print. He is also aware the chance of stopping publication by direct legal means is very slim.

American courts have a proud tradition of upholding freedom of information and of the press by rejecting "prior restraint"—blocking publication of material the government, for various reasons, wants to suppress. One of the classic cases was the U.S. Supreme Court's 1971 decision upholding *The New York Times'* right to publish the Pentagon Papers, key secret documents accompanying the government's history of the Vietnam war.

In order to have any chance at all of stopping publication, Casey doubtless knew the U.S. would have to prove the publications had possession of the material, and persuade the courts that the information was so sensitive as to cause irreparable injury to the national defense—which means judges would have to review the material.

So Casey decided on another tactic—the scare-'em-off approach. The U.S. spy chief arranged to have lunch with *Washington Post* editors Benjamin C. Bradlee and Leonard Downie Jr., at which he warned he would seek criminal prosecution against the paper if it published a story dealing with U.S. intelligence operations.

"I'm not threatening you," Casey told the *Post* editors, "but you've got to know that if you publish this, I would

recommend that you be prosecuted under the intelligence statute."

To drive the point home, Casey dangled the threat of seeking prosecutions against the *Post* and other publications, apparently for reporting that the U.S. had intercepted messages from Libya to its missions in East Germany and elsewhere in Europe dealing with the bombing of a disco theque in West Berlin. "We've already got five absolutely cold violations," Casey said. The other alleged violators he named were *The Washington Times*, *The New York Times*, *Newsweek* and *Time* magazines. Casey knew the editors would munch and tell, and that his warning would get around.

His immediate target reportedly is to stop publication of information dealing with the case of Ronald W. Pelton, a former employee of the National Security Agency accused of selling secret information to the Soviet Union about covert intelligence projects.

An FBI agent has testified that Pelton provided the Soviets "specific information relating to a United States intelligence collection project targeted at the Soviet Union," and that he had access to "extremely sensitive information relating to that project."

Casey could have reason for concern if disclosure of the information he is worried about would jeopardize important ongoing intelligence activities or techniques the U.S. might want to employ again. (It would be interesting to learn how the intelligence chief got his information about the material he thinks the *Post* possesses.) The press should weigh carefully the potential impact on U.S. security interests vs. the public's right to know in cases involving classified material, and Casey has a perfect right to warn editors about the possible consequences of publication.

But threatening prosecution for alleged previous violations of U.S. law to head off possible publication of other information is a nasty tactic, and the Justice Department should not go along with Casey's attempt to recruit its help in intimidating the press—and

its government sources.

On the face of it, the government would have a hard time convincing any court that reporting U.S. interception of Libyan communications damaged the national interest. In fact, there is good reason to believe administration sources leaked the information to give substance to U.S. claims of having absolutely convincing evidence linking Libya to the Berlin bombing. And as *Post* Managing Editor Downey pointed out, "The president himself first revealed the nature of these intercepted messages. What we reported subsequent to that—details of the intercept—did not do anything more to reveal our intelligence capabilities than the president himself did."