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FOREIGN AFFAIRS | Flora Lewis

The Duty to Publish

The First Amendment forbids Congress to pass any law restricting the freedom of speech or of the press. It says nothing about press freedom not to publish, or rather to withhold information of clear and urgent public import for later inclusion in a megabucks book.

But debate and interpretation of the special protection afforded the press has long been based on the right of the citizen to know what is available. The press, including The Washington Post, regularly argues that it publishes material that can be embarrassing to the Government and the nation as a matter of duty. Let the pain fall where it may, publish and be damned is an old newspaper maxim.

So it comes as a shock to read that Bob Woodward of The Washington Post hoarded information from the late CIA Director William Casey that could have made an important contribution to the recent Congressional Iran-contra hearings. How many editorials were there question-

ing the veracity of Lieut. Col. Oliver North and the forgetfulness of Rear Adm. John Poindexter?

The familiar question has to be put again in another version: What did the editors of The Washington Post know and when did they know it?

It is distasteful to criticize the major competitor of the newspaper I work for, and I hesitated at first. But this is a serious issue of principle for all the press, and there is a risk of undermining the important constitutional guarantee on which we all rely if the judgment on when to publish and how is seen to turn on sheer commercial impact. It will not make it easier to assert the public's right to know and to know in a timely way the next time there is a delicate matter of public policy.

Among other revelations, Mr. Woodward reports that Mr. Casey knew of the diversion to Nicaraguan contras of profits from secret arms sales to Iran; that Mr. Casey solicited Saudi Arabia's aid first to try to assassinate and then to bribe the Lebanese Hezbollah leader Sheikh Mohammed Hussein Fadlallah not to attack American installations; that Mr. Casey personally ran "off-the-shelf" covert actions without the legal requirement of Congressional oversight.

Mr. Woodward and another reporter wrote about the attempted assassination of Sheikh Fadlallah in a Post article in 1985, describing it as a "runaway" antiterrorist mission backed by the C.I.A. The Post said they did not then know that Mr. Casey had enlisted Saudi help for the car bomb operation, which missed its target but killed 89 other people in a Beirut suburb.

Assuming Mr. Woodward is telling the truth about what Mr. Casey disclosed to him — and if not, that would be another scandal — did he offer his information to the Congressional investigators and to the special prosecutor? Was it available as a basis for questions to other witnesses?

Apparently, Mr. Woodward felt relieved by Mr. Casey's death of any promise of secrecy he may have made. But Mr. Casey died on May 6, just as the hearings were starting, and they ran on all summer. Given

the time it takes to produce a book, it must have been written before the hearings ended.

The problem of moral obligation was treated somewhat differently in the case of Gary Hart's romances. It was The Miami Herald that mounted a rather shabby stake-out to catch Mr. Hart at dalliance. But The Washington Post then reported that it had further information, which it took to Mr. Hart, threatening to publish — whereupon the former Senator renounced his candidacy for President.

Later it was reported elsewhere that this information came from Mr. Woodward, whose apartment Mr. Hart had used for an affair. As far as I know this has not been denied, and The Washington Post defended its action as being in the public interest because it matters for the public to know about the character of a man who is running for President.

These are not legal issues. But they are intrinsic to the code of ethics that must support and justify the constitutional protection for the purpose of informing the public. It is remarkable that Mr. Woodward pried so much sensitive information out of Mr. Casey. It is even more surprising that such a good reporter, who works for a vigorously enterprising newspaper, would sit on such an explosive story for such a long time.

That doesn't help the difficult, unending task of defending press freedom and accurate information against the myriad interests seeking to distort, deceive or suppress. The right to publish also implies a responsibility to let the public know important news without delay. It is an element of credibility. □

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Rafsanjani, the Speaker of Parliament.

It was Hojatolislam Rafsanjani who met American negotiators, including former national security adviser Robert C. McFarlane, who were trying to swap weapons for the Americans held hostage in Lebanon.

Mr. Hashemi's faction revealed the meeting to the Lebanese weekly *Al Shiraa* and that led to disclosures that grew into the Iran-contra affair.

His execution appeared to indicate Ayatollah Khomeini's support, and

thus the political triumph, of Hojatolislam Rafsanjani. But the practical effect of Hojatolislam Rafsanjani's apparent victory on Iran's policy is not clear. The parliamentary speaker has been the main spokesman for Iran's uncompromising war with Iraq and has appeared committed to the export of Iran's fundamentalist Islamic revolution.

The political rivalries in Iran are being fought on complex personal levels under an overall banner of Shiite Islamic fundamentalism, making such conceptions as "radicals" and "moderates" inapplicable.

Mr. Hashemi's most important duty

had been running the World Islamic Movement, whose goal was to export Iran's Islamic fundamentalist revolution.

The committee, under the chairmanship of Ayatollah Montazeri, supported Shiite radicals, principally the Party of God in Lebanon, and such other organizations as The Call, in Iraq.

Western intelligence officials have said the Iranian directorate and its Lebanese and other affiliates are believed to be linked to such acts of terrorism as the suicide truck bombings of the United States Marine barracks and two United States Embassy buildings in Beirut in 1983 and the kidnapping of Americans in Lebanon.

Mr. Hashemi's brother, Hadi, is a son-in-law of Ayatollah Montazeri, and such family relations are politically important in Iranian society. Mr. Hashemi was also a close associate of Ayatollah Montazeri's son.

Under the rule of Shah Mohammed Riza Pahlavi, Mehdi Hashemi was convicted of strangling Ayatollah Shamsabadi, a religious leader who supported the existing order. He was freed from prison after the revolution in 1979.

In addition to disclosing Hojatolislam Rafsanjani's meeting with the Americans, Mr. Hashemi was also reported to be involved in an incident last fall in which a Syrian diplomat, believed to be a top intelligence operative, was briefly kidnapped in Teheran.

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