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Part 1

The 'Healthful Effect' of Leaked Secrets

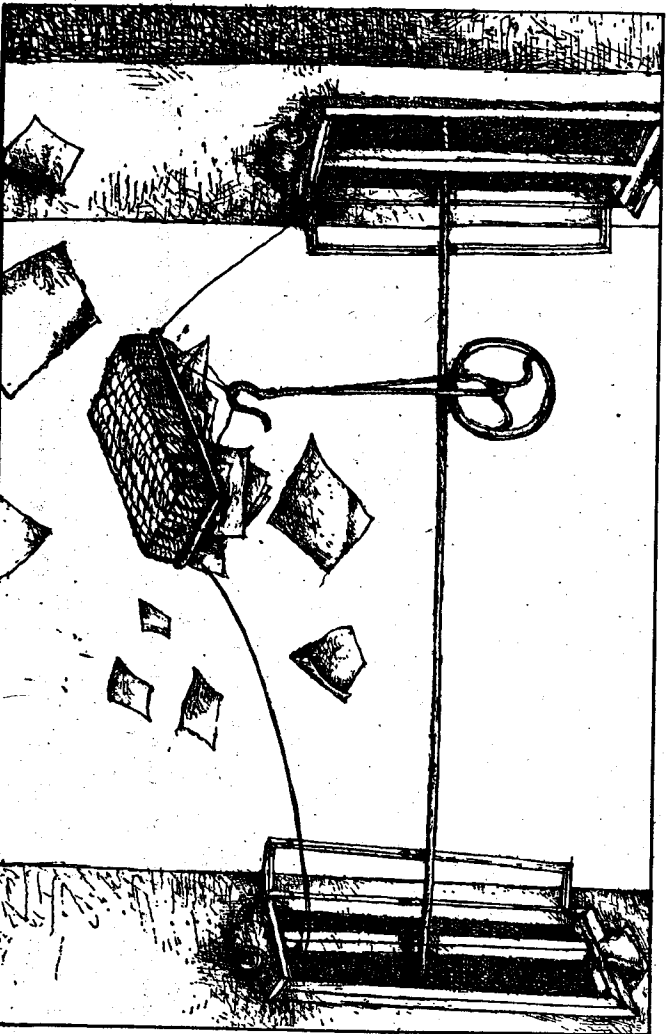
Adm. Stansfield Turner, director of Central Intelligence, who will be testifying on the CIA and the media before a House Intelligence subcommittee during the congressional recess, has raised a fundamental issue in his Dec. 7 op-ed article in *The Post*. It is whether our society should "trust the judgment of its public servants regarding what should and should not be withheld from the public."

It is undisputed that no government can accept free-wheeling disclosure by individual officials as a way of life. Responsible officials will obviously seek more effective ways to enforce their secrecy rules. The question is whether a popular consensus exists—or should be encouraged to come into being—in support of this idea.

The issue is far from academic. The intelligence community is seeking to create a climate in which it can obtain legislation tightening the lid on secrets by making public servants criminally liable for spilling secrets. It is reverting to a concept that once commanded general acceptance and, to a certain extent, still does, even among some in the press. New York Times columnist C. I. Subberger recently wrote, "I do not see what right the press has to publish military secrets endangering their country's survival merely because Xerox machines make documents available to informers." To win its case, however, the security establishment must overcome the effects of our recent past.

If history teaches anything, I believe, it is that society should not trust the unilateral judgments of public servants about what information is safe to release. Documented

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By Geoffrey Moss for The Washington Post

stitutional interest with national interest. A spate of recently released documents (prodded out of the files—not irreverently—by invocation of the Freedom of Information Act) testifies to the systematic misleading of the Warren Commission by a CIA and FBI more concerned about their reputations than the integrity of the inquiry into the assassination of President Kennedy. When the CIA, in a self-protective post-Watergate internal investigation in 1973, discovered evidence of past improprieties, such as domestic surveillance, postal snooping and assassination conspiracies, it took corrective action, but sought to avoid any public accounting—until news leaks forced President Ford and Congress to launch investigations.

• A President in trouble may confuse national interest with personal interest. That awesome phrase “national security” was debased by President Nixon into an instrument of coverup. It turned up almost routinely in court briefs opposing the release of material sought by Congress and Watergate prosecutors. “That’s national security!” Nixon exploded as he ordered Assistant Attorney General Henry Peterson to keep hands off the newly discovered break-in on Daniel Ellsberg’s psychiatrist.

Peterson’s shattering experience—discovering that his highest superior could exploit “national security” for purposes of personal security—was symptomatic of a breakdown of confidence in the government secret-stampers, not only among private citizens, but within

the government as well. This erosion of unquestioning acceptance of the judgment and integrity of superiors was connected with the spate of unauthorized leaks (not to be confused with high-level, deliberate leaks).

Typically, disclosures have been motivated by indignation over perceived misdeeds and misjudgments. Their aim, generally, has been to serve, not harm the national interest. Ironically, Frank Shepp’s accusation is that it was the government that betrayed the national interest in abandoning the CIA’s Vietnamese employ-

Taking Exception

ee. Daniel Ellsberg, in his defiant issuance of the Pentagon Papers, still took care to withhold portions that he considered really sensitive.

It is perhaps because of the selective nature of whistle-blowing disclosures that there has been so little compromising of really vital national secrets. Officials tend to cry havoc at every security breach, but little evidence has been adduced of havoc actually wrought. The Nixon administration could not persuade a federal judge, in the privacy of his chambers, of the “irreparable injury to the defense interests of the United States” that it asserted would result from the publication of the Pentagon Papers. When the dust settled after rhetorical explosions over leaks like Henry Kissinger’s orders about “tilting toward Pakistan” in its war against India, or the CIA’s subsidy to King Hussein of

Jordan, there was little evidence of damage serious enough to outweigh the public interest in knowing what the government is up to.

Adm. Turner says that, for the past year and a half, at any rate, the CIA has not used secrecy to protect its reputation. Let us accept that as true, although another CIA director might deem it a badge of honor to make such an assertion even if untrue. Still, it was only a little more than a year and a half ago that Adm. Turner’s predecessor, George Bush, was urging the Senate Intelligence Committee—in secret session, of course—not to disclose that Richard Welch, the murdered Athens station chief, had ignored the advice of agency security officers not to expose himself unduly by moving into his predecessor’s house. Bush was vigorously opposed by a member of the committee, Sen. Walter Mondale, who said that the CIA was not seeking to protect any national interest, but only a red face.

The awareness that “secrets” may leak tends to have a healthy, ombudsman effect in government, making covert operators ask themselves how their plans would look if they were exposed. In balance, this nation has probably been harmed much less by undue exposure than by undue secrecy. In the end, no oaths or regulations will be fully effective before confidence is restored in the employment of secrecy to protect real secrets and not cost overruns, abortive plots and personal wrongdoing. That, to borrow Shepp’s title, may require “a decent interval.”