

# Secrecy Triumphant

By Tom Wicker

By what weird process have skeptical Americans, who once thought Mr. Dooley and Will Rogers had the last word on politics, come to regard "Government information," particularly when it is "classified Government information," as sacred?

Almost any voter will tell you, after all, that politicians are crooks, or at least clowns and snake-oil salesmen. Yet, even in the wake of Watergate and Agnew and the infinite deceptions of the Vietnam years, let one of those supposedly tricky politicians become a Government official and classify a document, and those supposedly cynical voters begin bowing and scraping before his rubber stamp. Let one of those reputed clowns merely whisper "national security" and otherwise sensible Americans put their fingers in their ears and close their eyes.

Look what's happened just in recent weeks, with scarcely a peep of protest:

The House Armed Services Committee has voted to deny access to secret information to Representative Michael Harrington of Massachusetts, because it was Mr. Harrington who disclosed secret testimony last year that the C.I.A. had conducted covert operations against the Government of Salvador Allende Gossens in Chile.

When the Rockefeller Commission made its report on illegal C.I.A. domestic activities, it recommended nothing more stringent to stop such irregularities than Presidential admonishments and Congressional oversight. But the commission recommended that it be made a statutory offense, subject to criminal penalties, for any C.I.A. employe ever to disclose classified information obtained while he worked for the C.I.A. No exception was made for disclosing classified data that might concern illegal C.I.A. activities.\*

Pending in the Senate, with both liberal and conservative support, and under the aegis of the Ford Administration, which inherited it from the Nixon Administration, is S.1, a bill to recodify the Federal criminal laws. This far-reaching and complex legislation would provide at least the following new restrictions on public knowledge:

¶ Make journalists liable to criminal penalties for possessing or publishing the contents of any Government report without official permission.

¶ Make journalists liable to criminal penalties for receiving and publishing virtually any "national security" information without Government authorization.

¶ Make present or former Government employes liable to criminal penalties if they give to the press, without approval of their superiors, any

classified information, including material about officials who violate the law, lie to the public or take secret action contrary to official policies.

All this would have effectively prevented press disclosure of the Watergate scandals and the Pentagon Papers. Yet, the Supreme Court has moved in the same direction, albeit tacitly, by refusing to review an appeals court ruling upholding the C.I.A.'s censorship of a book by a former C.I.A. employe. The ruling imposed a lifetime prior restraint on the author's right of free speech respecting information obtained while he worked for the C.I.A., and asserted that he could not disclose information the C.I.A. considered classifiable, whether or not it was classified, or even if he had learned it from other sources after leaving the agency.

Attorney General Edward Levi, in a speech covering the general subject of Government information and its disclosure, seemed to argue more in-

## IN THE NATION

sistently for the Government's right to keep secrets than for the public's right to know what its Government is doing. Moreover, as Nicholas M. Horrocks of The New York Times has pointed out, public response to various C.I.A. investigations and to the Rockefeller report suggest that a substantial number of people believe these inquiries already have gone too far—that they endanger "national security."

Even the leading newspapers, whose duty is to publish what they know under protection of the First Amendment, acquiesced in the C.I.A.'s appeals not to print the extraordinary Glomar Explorer story—despite the repeated Watergate disclosures of how cynically Government officials right up to Mr. Nixon himself were willing to hide irresponsible or mistaken or criminal behavior under the dark cloak of "national security."

No item in this sad catalogue is more depressing than the House committee vote to penalize Michael Harrington for alerting the public to C.I.A. excesses. That vote was a blow to the tradition—never as strong or as deep as it should be in this country—of speaking one's conscience against whatever arbitrary restrictions. It undermined Congress's own need for information from concerned officials about inefficiencies and misdeeds in the executive branch. It bolstered the Administration's power to undertake clandestine operations against other governments without the knowledge or approval of Congress, let alone the public.

It was a vote that valued conformity over conscience and mocked the very idea of Congressional "oversight" of secret government.

\* See also Wicker, 13 Jun 75.