

# CONGRESS RECORD ON SECRETS MIXED

## Leaks Do Occur, but Most Accept Classification

By CHRISTOPHER LYDON

WASHINGTON, June 23—The Congressional committees preparing to receive copies of the Vietnam study have mixed histories and somewhat ambiguous attitudes about the keeping of secrets.

As in the executive branch, classified information is sometimes leaked to make a political point. Last March, for example, Senator Henry M. Jackson, Democrat of Washington, who is a member of the Armed Services Committee, told a national television audience, evidently on the basis of Defense Department intelligence, that the Soviet Union was deploying an advanced, offensive missile system.

Two months later, men identified only as "Senate Republican sources" leaked estimates from the Central Intelligence Agency, whose activities are theoretically as secret as those of the Defense Intelligence agency—that the Russian were only reinforcing the protection of their missile sites, not changing their striking force.

Despite such occasional lapses, committees handling the most sensitive information—particularly the Senate's Armed Services and Foreign Relations Committees—have generally played by the unwritten rule that documents that are accepted as secret must be kept that way.

### Data Used in Speeches

Classified information has often been used as the basis for policy speeches, as when then Senator Albert Gore of Tennessee declared early last year, after closed Foreign Relations Committee hearings on American activity in Laos, that the war there had been "secretly but greatly escalated."

There have also been growing and frequently successful efforts by Congressional leaders to have "top secret" testimony and documents declassified—as when Senator Stuart Symington finally persuaded the Nixon Administration to permit publication of the Laos hearings, whose contents were originally 75 per cent censored.

By and large, however, even the most outspoken critics of Administration policy have played by the rules of classification.

The most impressive illustration of the point is that, though Senator J. W. Fulbright, the chairman of the Foreign Relations Committee and an insistent opponent of American policy in Vietnam, has had parts of the Vietnam study for more than two months, he did not make them public or even available to fellow committee members as long as the Pentagon refused to declassify them.

Senator Fulbright said yesterday that the documents "were grossly overclassified" and that the Pentagon was "entirely wrong" not to release them. Nonetheless, he kept them secret.

Experienced committee sources doubted today that the delivery of the multivolume examination of Vietnam policy would lead to any new leaks, or any further distribution to newspapers around the country.

At the same time, actual possession of the documents was expected to put such aggressive advocates of declassification as Senators Fulbright and Symington in a stronger position to argue for general dissemination of the study.

In the House, Representative John E. Moss, a California Democrat who has pressed a campaign against Government secrecy, suggested today that none of the executive branch's secrecy rules are binding on Congress. "The classifications put on documents by the executive branch are only advisory," he said. "Congress can't be bound by executive order."

### Defiance Not Advocated

But even Mr. Moss, who with Representative Ogden Reid, Republican of New York, has filed a suit in Federal Court here for release of the Vietnam study, did not advocate outright defiance of the executive classifications.

The experience of the Senate Foreign Relations Committee's subcommittee on American commitments abroad, which held a series of closed-door hearings in 1969 and 1970, is seen as a model of both the difficulties and the long-neglected possibilities of declassification.

Walter Pincus, a former subcommittee staff member, recalled today that when hearing records were sent to the executive branch for clearance in advance of publication, military and diplomatic officials censored not only their own remarks but also Mr. Fulbright's derogatory comments on foreign politicians.

Through negotiations, Mr. Pincus said, many of the original restrictions were lifted. When the record of hearings on the Philippines came back 75 per cent censored, Senator Symington, the subcommittee chairman, threatened to hold public hearings and recall the same witnesses to testify in the open unless more of the closed hearings were declassified—and they were.