

# Passing Secrets: An Old Story

By **LESLIE H. GELB**

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When asked about the admiral and the yeoman said to be involved in the removal of highly sensitive documents from Henry A. Kissinger's White House office for delivery to Pentagon officers who were not supposed to see them, past and present officials shrug, smile and say, "What's new?"

To Washington hands, the latest development is regarded as merely an extension of a long-accepted, inevitable and even desirable practice known as "bootlegging."

Bootlegging is the process whereby people in the Government give secret documents to others in the Government who are not supposed to know about them or tell about the documents.

The practice is seen as inevitable for two reasons. First, bootlegging is a way of politicking, of gaining and activating allies within the bureaucracy and Congress. Second, military men, Foreign Service officers and personnel of the Central Intelligence Agency serve in one another's agencies, thus creating the problem of dual loyalties and opportunities for spying on one another and smuggling documents.

The practice is viewed by some people as desirable, for otherwise middle-level bureaucrats—and even senior officials—who work on specific problems would not know what is going on.

## Each Knows Best

As one former high official put it, "Every agency likes to believe that it knows best and should be allowed to do its business without interference from others, and the others try to get those secrets."

"Mutual surveillance, informing and document peddling grease the wheels of government."

What this official was saying was that without this kind of information, officials would not be able to do what they are supposed to do—namely, bring expertise and different views to bear on each other.

The protective and possessive instincts of agencies is one root of the problem. Another root is the elaborate, sometimes even bizarre, system of clearances.

Several thousand civilian officials and military officers hold top secret clearances. This means that they are allowed to see top secret documents. But it does not give them the automatic right to see every such document.

Access to specific secrets is

determined by what is called the "need to know." This, in turn, is usually decided by the President or the various agency heads.

The general rule in the bureaucracy is the hotter or more sensitive the issue, the more restricted the "need to know" and the smaller the access list.

Graduates of President Johnson's Administration like to recall the closing months of 1968 when the President cut the access list to cables about the Vietnam negotiations going on in Paris from 15 to seven.

One of those who had been eliminated from the original list went to his boss and asked, "Why me?" He was told not to feel bad, since the director of the C.I.A. and the Deputy Secretary of Defense had also been removed from the list.

The reason most often given for this restrictive "need to know" practice is the fear of press leaks. The theory is the more who know, the more likely the leak.

"In many cases," an official said, "this is a genuine and real concern. What if foreign governments were to read about American Government fallback positions in negotiations? They could, then, sit and wait for us to compromise. Or what if someone leaked to the press the sources of intelligence information? The other government would, then, clamp the lid down on the source."

But to many officials, past and present, the main reason for restricting access to memos and cables is to prevent known and potential opponents from finding out what is happening.

One former State Department official said, "If you tell the legal division what you're doing, you'll have a legal problem. If you don't, you can just go ahead and do it."

Other officials relate endless stories about the practice during the Johnson Administration of trying to withhold certain information from the military until the last minute. Their worry, as one put it, was that "the Joint Chiefs of Staff would leak it to their friends in Congress who would start screaming publicly to pressure the president against making his decision."

## Diplomacy Kept Secret

Officials tell how Mr. Kissinger scrupulously kept information about his diplomacy with China in 1970 and 1971, hidden from prying eyes in the Pentagon and Staff Department.

"Henry was absolutely convinced," according to one informed source, "that if the State Department found out about this, they would tell the

Japanese and the Nationalist Chinese, who would then leak it to their press and destroy his policy."

Just as information is withheld to prevent opposition, it is also often given to gain support. Many officials who do not have an approved "need to know" are nevertheless given restricted cables and memos for two reasons.

First, a senior official will often pass the information to his special assistant or staff man who has the expertise and who does the necessary work. Second, information is passed to those, in the words of one official, "who will come to your support." Recalling a situation in the Johnson Administration, he said:

"On any issue of helping out our European allies, there was this guy in the State Department who could always be counted on to run back to his office and write the right memo to Secretary Dean Rusk."

When Mr. Kissinger assumed his job as assistant to the President, many of his former staff men say, he had "absolutely paranoid suspicions" about the bureaucracy. One

said that "Henry thought they were all spies." Mr. Kissinger quickly moved to restrict access well beyond former standards, they said.

Those who were in a position to know say that he routinely kept information from his own staff, except for those who worked in his immediate office area.

## Difference Is Cited

This was the setting for the recently disclosed reports of Pentagon spying on Mr. Kissinger's secret diplomacy with Peking and Hanoi and the nuclear arms talks with Moscow.

Last week, Adm. Thomas L. Moorer, chairman of the Joint Chiefs of Staff, confirmed that military service personnel attached to Mr. Kissinger's National Security Council staff had been relaying White House documents to his office.

Was this any different from regular bootlegging? Some say yes. Their argument is the distinction between information being passed by someone who had an approved "need to know" and information obtained surreptitiously.

"The plain fact is," one official said, "those guys stole the information and sneaked it back to the Pentagon."

Others see this as a "fine point." They cite the practice that some in the bureaucracy have perfected of reading papers upside down on someone else's desk. To them, the latest venture in information smuggling is just the same old bootlegging.

While the issue is being debated with some amusement in Washington, the book is not closed on the matter, according to Congressional sources. Senator John C. Stennis, Democrat of Mississippi who is chairman of the Senate Armed Services Committee, plans to look into the problem.