

## Letters

## The F.B.I.'s Misguided Focus on News Leaks

To the Editor:

The creation of a special unit within the Federal Bureau of Investigation to look into the sources of disclosures made by news organizations about the workings of our Government (news story, Oct. 2) is a legally indefensible attempt by the Reagan Administration to harass those who reveal facts inconsistent with its pervasive campaign of information management.

According to your article, the Government says that the inquiries are being conducted "under espionage statutes that prohibit unauthorized disclosures of classified information." Those statutes have recently been the subject of a comprehensive scholarly report by the Association of the Bar of the City of New York. After an in-depth review of the history of the statutes, the report states:

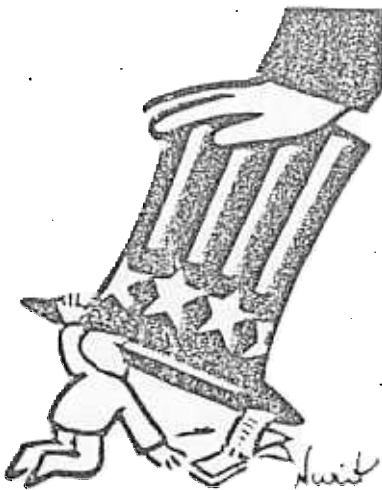
"We conclude that prosecution under the espionage laws is appropriate only in cases of transmission of properly classified information to a foreign power with the intent to injure the United States or to aid a foreign power. Other uses of the statutes, such as prosecution of the media or those providing information for the sake of public debate, are inappropriate."

Time and again, the executive branch has sought to obtain from Congress specific authority to prosecute criminally those who provide the press with information relevant to the making of public policy. Time and again, the executive branch has failed — and with good reason.

The inquiries the F.B.I. special unit

is said to be conducting provide excellent examples of how public debate would be stifled if Congress actually gave the executive branch the power the current Administration is unlawfully arrogating to itself.

One inquiry arose after The New York Times disclosed that a high official in Panama, a country with which the United States is deeply involved, was a major figure in drug-running and arms-smuggling activities. This led Senator Jesse Helms, surely no foe of protecting national security, to sponsor successfully a bill requiring the Central Intelligence Agency to investigate and report on the allega-



tions. Information that forms the basis for legislation is surely information to which the public is entitled in all but the rarest cases.

Another inquiry began when The Los Angeles Times reported that the Government had mishandled the case of a former C.I.A. officer who escaped to Moscow from a house that was supposedly under surveillance by F.B.I. agents. One need not have any particular expertise in national security to see that the F.B.I. bungled the job, and there is no reason the public should not know why the problem arose and how it is being corrected.

But the crowning example is the Administration's plan (news story, Oct. 4) to use the special F.B.I. unit to investigate how the press discovered the Government's plan to launch a disinformation campaign against Libya.

If this Administration truly believes that the revelation of its manipulative scheme threatened national security, then the national security is truly in peril. For, as the authors of the espionage laws stressed repeatedly, genuine national security in our democracy depends on the widest possible public debate at least as much as it does on the protection of legitimate secrets.

There will be embarrassing disclosures under every national administration, and every national administration will take steps to limit them. This is proper. But distorting the criminal laws to apply to situations that they demonstrably were never intended to cover is not.

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New York, Oct. 6, 1986

The writer headed the New York City Bar Association panel that wrote the report on the espionage laws.