

SELECTED NEWS T54
ML

21 FEB 1984

ITEMS

16 FEB 1984

PART II 1400

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NSA SUIT

BY TOM SEPPY

WASHINGTON (AP) -- A GROUP OF LIBRARY AND HISTORY ASSOCIATIONS SUED THE NATIONAL SECURITY AGENCY WEDNESDAY IN AN ATTEMPT TO OPEN TO THE PUBLIC A LEADING CRYPTOLOGISTS PAPERS HELD AT A LIBRARY ON THE CAMPUS OF VIRGINIA MILITARY INSTITUTE IN LEXINGTON.

THE AMERICAN CIVIL LIBERTIES UNION, ON BEHALF OF SIX ORGANIZATIONS AND RESEARCHER JAY PETERZELL, FILED SUIT AGAINST NSA DIRECTOR LINCOLN FAURER IN U.S. DISTRICT COURT.

IT SOUGHT TO FORCE THE NSA TO MAKE AVAILABLE PUBLICLY CERTAIN UNCLASSIFIED DOCUMENTS IN PAPERS OF THE LATE WILLIAM F. FRIEDMAN, DESCRIBED AS A LEADING FIGURE IN AMERICAN CRYPTOLOGY FROM WORLD WAR I UNTIL HIS RETIREMENT FROM NSA IN THE MID-1950S.

AT FORT MEADE, MD., A SPOKESMAN FOR NSA SAID THE MILITARY INTELLIGENCE AGENCY WOULD HAVE NO COMMENT ON THE SUIT.

IN THE SUIT, THE ACLU SAID FRIEDMAN, IN THE 1960S, MADE A GIFT OF HIS LETTERS, PERSONAL PAPERS AND GOVERNMENT DOCUMENTS TO THE GEORGE C. MARSHALL FOUNDATION, WHICH MAINTAINS A LIBRARY OPEN TO THE PUBLIC ON THE VMI CAMPUS. THE COLLECTION WAS SHIPPED TO THE LIBRARY AFTER FRIEDMAN'S DEATH IN NOVEMBER 1969.

FRIEDMAN INTENDED THAT HIS COLLECTION SHOULD BE AVAILABLE TO SCHOLARS, RESEARCHERS AND THE PUBLIC, THE SUIT SAID.

AT THE REQUEST OF FRIEDMAN'S WIFE, HOWEVER, THE COLLECTION REMAINED CLOSED TO THE PUBLIC UNTIL FRIEDMAN'S BIOGRAPHER, RONALD CLARK, COMPLETED HIS BIOGRAPHY OF FRIEDMAN.

BEFORE CLARK WAS PERMITTED ACCESS TO FRIEDMAN'S PAPERS, THE SUIT SAID, NSA OFFICIALS REVIEWED THE ENTIRE COLLECTION AND DIRECTED THE MARSHALL LIBRARY TO PLACE CERTAIN DOCUMENTS IN A SECURED VAULT WHERE THEY WOULD REMAIN RESTRICTED FROM PUBLIC ACCESS. THE POLICY OF THE MARSHALL LIBRARY IS TO FOLLOW NSAS INSTRUCTIONS.

FOLLOWING NSAS WITHDRAWAL OF CERTAIN DOCUMENTS AND THE COMPLETION OF CLARK'S BIOGRAPHY OF FRIEDMAN, THE REMAINING PORTIONS OF THE COLLECTION WERE OPENED TO THE PUBLIC IN 1977, THE SUIT SAID.

IN 1979, JAMES BAMFORD, A RESEARCHER WHO WAS WRITING A HISTORY OF NSA, REQUESTED THE MARSHALL LIBRARY TO OPEN THE PREVIOUSLY WITHDRAWN BUT UNCLASSIFIED MATERIALS IN THE COLLECTION. IN SEPTEMBER 1979, THE LIBRARY OPENED THESE MATERIALS TO BAMFORD AND TO THE PUBLIC, THE SUIT SAID.

THE FOLLOWING OCTOBER, HOWEVER, THREE NSA OFFICIALS VISITED THE LIBRARY AND REVIEWED THE OPEN PORTIONS OF THE COLLECTION. NSA THEN DIRECTED THE LIBRARY TO WITHDRAW SOME OF THE DOCUMENTS WHICH HAD BEEN MADE AVAILABLE TO BAMFORD.

IN APRIL 1983, FOLLOWING PUBLICATION OF BAMFORD'S BOOK, THE PUZZLE PALACE, NSA OFFICIALS AGAIN VISITED THE LIBRARY AND DIRECTED THAT ADDITIONAL ITEMS BE REMOVED FROM THE COLLECTION, INCLUDING SOME BAMFORD HAD MENTIONED IN HIS BOOK, THE SUIT SAID.

LAST MAY AND JUNE, PETERZELL ASKED TO SEE SOME OF THE WITHDRAWN ITEMS BUT WAS TOLD BY THE LIBRARY THAT HE NEEDED NSAS PERMISSION.

LAST MONTH, PETERZELL AND THE OTHER PLAINTIFFS WROTE TO NSA SEEKING ACCESS TO ALL DOCUMENTS IN THE FRIEDMAN COLLECTION WHICH AT ANY TIME HAVE BEEN AVAILABLE FOR PUBLIC INSPECTION AT THE MARSHALL LIBRARY AND TO REQUEST THAT (FAURER) RESCIND NSAS DIRECTION TO THE MARSHALL LIBRARY THAT IT MUST WITHOLD FROM PUBLIC ACCESS DOCUMENTS WHICH HAVE BEEN AVAILABLE FOR PUBLIC INSPECTION.

ON JAN. 26, NSA DENIED THEIR REQUEST.

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IN ADDITION TO PETERZELL, THE OTHER PLAINTIFFS ARE THE AMERICAN LIBRARY ASSOCIATION OF CHICAGO, THE DISTRICT OF COLUMBIA LIBRARY ASSOCIATION, THE VIRGINIA LIBRARY ASSOCIATION OF ALEXANDRIA, THE AMERICAN HISTORICAL ASSOCIATION OF WASHINGTON, D.C., THE ORGANIZATION OF AMERICAN HISTORIANS OF BLOOMINGTON, IND., AND THE CENTER FOR NATIONAL SECURITY STUDIES OF WASHINGTON, D.C.

AP-WX-02-15-84 1722EST

THE NEW YORK TIMES, THURSDAY, FEBRUARY 16, 1984

Censorship Move by U.S. Agency Challenged

By DAVID BURNHAM
Special to The New York Times

WASHINGTON, Feb. 15 — Five groups representing thousands of libraries, librarians and historians asked a Federal District Court today to hold that the National Security Agency had no legal authority to direct a private library to withdraw unclassified documents from public view.

The National Security Agency is the nation's largest and most secretive intelligence agency. Its role is to intercept the electronic messages of foreign governments and to protect those of the United States.

The suit was brought after the

agency directed a private library in Virginia to halt public access to letters and other material quoted in an already published book that was critical of the agency. It was filed by such organizations as the American Library Association, the American Historical Association, the Organization of American Historians and the Center for National Security Studies.

"What is at stake here is the fundamental integrity of library collections all over the country," said Judith Krugg, director of the office for Intellectual Freedom of the American Library Association.

The intelligence agency had no im-

mediate comment on the suit. Last year, however, Lieut. Gen. Lincoln D. Faurer, director of the agency, defended the agency's effort to remove declassified material from public access as a "routine" part of the agency's responsibility "to advise and assist in the protection of N.S.A.-related national security information."

The dispute centers on some of the letters, personal papers and Government documents belonging to William A. Friedman, a leading Government expert on the making and breaking of codes from World War I until his retirement from the agency in 1955. At the time of his death in 1969, Mr. Friedman gave his papers to the George C. Marshall Foundation, which maintains a library open to the public on the campus of the Virginia Military Institute at Lexington, Va.

Over the next 10 years officials of the agency reviewed the Friedman material on several occasions and directed that several hundred documents be withdrawn from public view. Some of the material was classified, some was not.

In 1979, James Bamford, a researcher working on a book about the agency, requested permission to see the withdrawn but unclassified material. The library decided to make the material available to Mr. Bamford and the public at large.

Retreat From a Secrecy Madness

Still protesting that Congress doesn't appreciate the peril to national security, the Reagan Administration is nevertheless retreating from its reckless hunt for leaks and leakers. At least for now, it has shelved the sweeping order imposing an unconscionable lifetime censorship on Federal employees and terrorizing trusted public servants with random lie-detector examinations.

Not being privy to the Administration's ultimate political secrets, we don't know what prompted this change of heart about treating the whole Government as if it were the Central Intelligence Agency. But the retreat is plainly tactical, not a conversion to openness. Congress, which blocked the order when it first appeared, cannot relax its vigilance.

It would be pleasant to conclude from this episode that President Reagan now understands that his problem about secrets is that there are too many of them, not too few; that a Government spinning wheels to chase minor leaks disables itself in real

security matters; that censoring the writings of top officials — for life — will deprive the nation of able workers now and vital criticism in the future.

Congress was properly unimpressed with the Administration's specious alarm and narrow response. No less committed to effective government, it demanded evidence of the danger from uncensored articles by former officials. The search produced nothing of consequence.

Since the White House cannot see the light, it is good that the President's men at least felt the heat. The directive was becoming a political liability for an Administration that boasts of openness. If Mr. Reagan had refused to rewrite this chilling directive, Congress would have done the job.

The best response to the President's retreat is for Congress to renew its order forbidding any executive action on this front until it is given a new proposal. Then let the White House show, if it can, that there is any conceivable security risk that can justify any restriction on the rights of Government employees and the public's right to hear their views when they return to private life.

The News American, Thursday, February 16, 1984

Doctor thinks Chernenko suffers from emphysema

Washington Post News Service

LONDON — The new Soviet Communist Party chief Konstantin Chernenko appears to be suffering from emphysema, according to David Owen, leader of Britain's Social Democratic Party who is a physician and met Chernenko at the Kremlin.

"He is not 100 percent fit," Owen said in a radio interview after returning from Moscow. "He has got what we call emphysema, which is a shortness of breath. Quite a lot of older people get this. It usually means a fibrosis of the lungs. It is not a good illness to have. It tends to be something which brings on heart disease."

At the funeral of Soviet President Yuri Andropov, he wheezed as he read his eulogy, lost his place several times and appeared unable to sustain a salute at the gravesite in the Kremlin wall.