

C.I.A. Told to Obey Disclosure Act

WASHINGTON, Nov. 16 (UPI)—A Federal appeals court ruled today that the Central Intelligence Agency is subject to the Freedom of Information Act and must justify publicly its refusal to disclose whether it had contacts with United States reporters regarding the Glomar Explorer project.

In a 2-to-1 unsigned decision, the United States Court of Appeals for the District of Columbia said that the C.I.A. must "submit a public justification, which is as detailed as is possible, for refusing to confirm or deny the existence of the requested records." The court said that the agency still might block disclosure of contacts, if any, with reporters on national security grounds. But if it does so, the court said, the agency must justify the move with more than the two secret affidavits submitted to the court, which are not part of the record available to the public.

Suit Filed by a Woman

The dissenting judge, George S. McKinnon, said that the C.I.A. was not subject to the law's disclosure requirements because another law requires the agency to protect intelligence sources and methods.

The case arose when Harriet A. Phillip-

pi, a reporter, asked the agency to turn over documents related to its alleged contacts with reporters. She cited the law and said that it required the intelligence agency to turn over the records unless they fell under a specific exemption.

The C.I.A. allegedly sought to persuade reporters not to write articles about the then-secret Glomar Explorer, a giant ship that recovered part of a Soviet submarine sunk in the Pacific. She was built by the company owned by the late billionaire Howard Hughes. The intelligence agency is estimated to have paid more than \$300 million for it.

The agency said that it would not acknowledge whether any of the records Miss Phillippi sought existed. The agency said any records that might reveal a C.I.A. connection to the Glomar Explorer were classified and exempt from disclosure.

Affidavits labeled "secret" and "top secret" were examined by the trial judge in the case in his chambers. Miss Phillippi's lawyers were not allowed to look at the affidavits. The lower court judge then ruled in favor of the C.I.A., holding that it did not have to admit possession or nonpossession of the records she sought.