

Panel Vote Softens Rule on Disclosing Agents' Names

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Acting in the face of a Republican boycott, a House Judiciary subcommittee yesterday moved to eliminate the most controversial provisions of a bill that would make it a crime to disclose the names of CIA operatives working abroad.

By a vote of 5 to 1, the subcommittee on constitutional rights decided too outlaw such disclosures by present and past government officials, but not by outsiders, such as journalists.

Rep. Robert F. Drinan (D-Mass.), who proposed the change, said it would avoid the "constitutional pitfalls" of the more sweeping measure approved in recent weeks by both the House and Senate Intelligence committees.

"Betrayal of trust is what needs to be punished," he said in urging that the bill be restricted to present and past government officials who learn the identity of covert agents by virtue of their official positions.

The broader bill approved by the Intelligence committees was aimed in large measure at anti-CIA periodicals such as the Covert Action Information Bulletin, which regularly prints the names of CIA operatives in order to impede their work.

To outlaw such publications, however, the bill would allow the prosecution of any journalist—even one relying on unclassified information such as old State Department Biographic Registers—if the government could show an intent to impair or impede U.S. foreign intelligence activities.

Rep. Don Edwards (D-Calif.), the chairman of the Judiciary subcommittee on constitutional rights, said this would make it a crime, for example, to try to head off a CIA assassination attempt by disclosing the names of the agents involved in the scheme.

"We're doing our best to bring out a constitutional bill," he said after yesterday's vote. He said the measure would be brought before the full House Judiciary Committee next week.

Of the subcommittee's six Democrats, only Rep. Harold L. Volkmer (D-Mo.) voted to limit the bill to past and present government officials. The three Republicans on the panel stayed away from the meeting, apparently in hopes of preventing it from obtaining a quorum.

The bill was referred to the Judiciary Committee because the Intelligence Committee version would also outlaw the disclosure of any agents or informers of the FBI's counterintelligence or counterterrorist units. The

Judiciary Committee has legislative jurisdiction over the FBI.

Edwards said he knew of no evidence that FBI agents or sources are in peril, and he criticized the House Intelligence Committee for adding them to the bill "as a kind of afterthought." The subcommittee voted to take them out, again by a 5-to-1 vote, with Volkmer dissenting.

"The FBI has only a handful of employees who operate covertly outside the United States," Edwards said. He said FBI officials have acknowledged that no harm has befallen any of the bureau's agents or sources because of journalistic disclosures.

The broader versions approved by the House and Senate Intelligence committees were rushed through after a July 4 attack on the home of the CIA station chief in Jamaica. His name had just been disclosed by the co-editor of the Covert Action Information Bulletin, Louis Wolf. Wolf has contended that the attack was staged to gain sympathy for the agency, but that view has little support on Capitol Hill.

"This bill has a steamroller behind it," Edwards said after his subcommittee reported out the limited version. "It has a lot of momentum. Some say it's approaching hysteria. Among those pushing for the

broader bill is House Majority Leader Jim Wright (D-Tex.), who told Edwards in a letter Monday that he considered it "of vital importance." He urged Edwards to report out the Intelligence Committee version "without amendment" in order to ensure enactment before Congress adjourns.

"The purpose and the need for this legislation was made painfully clear once again by the July 4 machine-gunning of the home of a member of our embassy staff in Jamaica," Wright said. "The 96th Congress may be justly accused of dereliction if it fails to complete action on this bill."