

Court to Study Suit On CIA Fund Secrecy

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The Supreme Court agreed yesterday to decide whether a taxpayer has the right to challenge in court the secrecy of the Central Intelligence Agency budget.

Government lawyers, insisting that the courts should not even consider lawsuits demanding CIA budget disclosure, persuaded the high court to review a decision that a Pennsylvania taxpayer was entitled at least to a day in court on the question.

The high court also:

- Rejected without comment the petitions of Texas and Georgia to reconsider the Jan. 22 ruling striking down anti-abortion laws and dismissed an appeal which contended that the Constitution guarantees the "right to life" of the unborn.

- Agreed to hear three labor

cases, including a coal company's argument that the United Mine Workers must submit to arbitration rather than strike over a mine safety issue.

- Agreed to decide whether federal courts have the power to intervene in matters covered by state criminal trespass laws when no state prosecution is pending.

- Agreed to decide whether the 1966 federal narcotic law giving treatment to some offenders is unconstitutional because it denies treatment to persons convicted of two prior felonies.

The CIA case involves a complaint often made by citizens and some members of Congress—that the public has no way to control the agency's receipt or use of public money.

William B. Richardson, a resident of Greensburg, Pa., decided to do something about

it. He sued in federal court to enforce Article 1, Section 9 of the Constitution, which provides:

"No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

The CIA Act of 1949 exempted the agency from ordinary budget requirements and has been the authority for concealing CIA funds in the appropriations for other departments. Richardson said the CIA law clashed with the Constitution.

Richardson, 53, a law school graduate, is employed as an investigator for the Westmoreland County (Pa.) public defender's office.

A district court judge agreed with the government that Richardson lacked legal standing to bring the suit because his grievance was not unique to him but was shared generally with other citizens.

The Third U.S. Circuit Court of Appeals reversed this ruling. Without reaching the basic question of disclosure, the court of appeals said Richardson had a right to take the government to court over it.

Petitioning the high court, Solicitor General Erwin N. Griswold called the ruling "a serious departure" from decisions designed to keep taxpayer litigation under control.

Griswold said the constitutional provision had always been considered a restriction against the Executive Branch, not Congress. He cited World War II expenditures for atomic bomb development and other congressional acts as examples of necessary secret statutes.

Lawyers for the American

Civil Liberties Union replied that the meeting of the constitutional provision can never be settled in court if the government's theory of legal standing is correct.

The court's refusal to hear reargument in the abortion cases was in keeping with longstanding practice. Very rarely has the court reopened even its most controversial cases, and then only on the basis of new facts or arguments which change the minds of the justices.

Petitions by Texas and Georgia, however, merely repeated arguments considered and rejected by a 7 to 2 majority after full-scale hearings in 1971 and 1972.

More than a dozen pending cases were sent back to lower courts for action in light of the decision that states may not prohibit abortions during early pregnancy but may regulate and forbid them unless the mother's life or health is endangered.

Dismissed outright "for want of a substantial federal question" was an appeal by Fordham law professor Robert M. Byrn, arguing as guardian for New York unborn that A fetus has a "right to life." The majority held that such a right was not in the Constitution.