

Justice Dept. Opposes CIA On Information Act Relief

3/29/80
By George Lardner Jr.
Washington Post Staff Writer

The Justice Department has voiced its opposition to the CIA's effort to win a broad-scale exemption from the Freedom of Information Act.

In a speech here Thursday, Associate Attorney General John H. Shenefield called the proposal "vastly overbroad and . . . in stark contrast to the spirit and philosophy of the act."

He said the Justice Department will propose "much narrower" relief for the CIA as part of a comprehensive effort to streamline the act and overcome the complaints of various government agencies since Congress put teeth into the law in 1974.

The CIA has asked for a virtually blanket exemption for its operational and technical files on the grounds that the freedom of information law has "perhaps unfairly" become "a focal point for the often-heard allegation that the CIA cannot keep a secret."

The debate so far has been largely confined to the Senate and House Intelligence committees. Both are considering the CIA proposal as part of overall charter legislation for the U.S. intelligence community. Yesterday, however, another and potentially less sympathetic House committee said it intends to make its jurisdiction over the FOIA issue with additional hearings of its own next month.

Rep. Richardson Preyer (D-N.C.), chairman of the House Government Information subcommittee, said he plans to call public witnesses and spokesmen from the Defense Department. An aide noted that the Pentagon receives more freedom of information requests than any other government agency and has one of the best records of compliance with the law.

Preyer's subcommittee, which has jurisdiction over the freedom of information law, has been receiving a mounting number of objections to the CIA proposal from historians, journalists and others, aides said.

In a letter to Preyer and other interested committee chairmen earlier this week, more than 150 organizations and individuals charged that the CIA bill would "represent a radical change in government policy and would severely limit the disclosure of information to the public."

The signers included Common Cause, the American Historical Association, the Association of American Publishers, the National Women's Political Caucus, the U. S. Catholic Mis-

sion Council and the Organization of American Historians. They said the CIA's files constitute "an invaluable resource for historians, political scientists and others" because of the major role the agency has played in U. S. foreign relations since the end of World War II.

In his talk, delivered to the Federal Bar Association's Government Information and Privacy Committee, Shenefield said the Justice Department proposals, which have been under study for more than a year, would be sent to the White House shortly.

Shenefield said he was convinced of

the necessity to protect confidential intelligence information and confidential intelligence sources and methods from disclosure, but "we are not persuaded by arguments for sweeping file exemptions that would have virtually exempted intelligence agencies from the act."

Under the CIA bill, the agency's operational and technical files would be immune from disclosure, except to Americans seeking records about themselves. The CIA could reject other requests without even searching its files.

Shenefield did not spell out the "much narrower document exemption" the Justice Department is drafting, but he said it would correct the "perception" problem the CIA said it has encountered in dealing with foreign agents and other sources.

Testifying on the issue last month, CIA Deputy Director Frank Carlucci acknowledged that "under the current Freedom of Information Act, national security exemptions do exist to protect the most vital intelligence information. The key point, however, is, that those sources upon whom we depend for that information have an entirely different perception."

Preyer said he will introduce the CIA proposal Monday as a separate bill to get it squarely before his subcommittee.