

# Panel Rebuffed on CIA Secrecy Bill

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The Carter administration has rejected an effort by the Senate Judiciary Committee to limit the reach of a controversial CIA secrecy bill by adding explicit constitutional safeguards.

The disagreements over the measure could result in its being postponed until Congress returns from the fall elections for a lame-duck session. The House version of the bill had been scheduled for floor action there yesterday, but a logjam of other measures kept it from coming up.

"I guess we're hanging on to precipice," a Justice Department official said yesterday about the prospects of action before the Oct. 4 recess.

The bill, which would make it a crime to disclose the names of U.S. intelligence operatives abroad, even through the use of public documents, has yet to be scheduled for a Senate vote. It cannot come up again in the House before next Wednesday.

The CIA has called the measure crucial to its operations abroad, but civil liberties and journalistic organizations have attacked it as unconstitutional, contending that it should be limited to unauthorized disclosures of classified information by present and

past government officials. The Senate and House Intelligence and the House Judiciary committees, however, have all refused to impose any such restrictions.

The Senate Judiciary Committee, on the other hand, voted last week to exempt disclosures of agents' names if they were integral to news reports of intelligence failures or abuses, to scholarly studies of government policies or programs, or to other activities protected by the First Amendment.

The amendment was actually lifted from the Senate Intelligence Committee's report on the bill, in which it said it did not mean to criminalize such writings. The Justice Department, however, is strongly opposed to making such a disclaimer part of the bill itself, on the grounds that it would gut the measure.

"There's a big difference between saying something in the legislative history of a bill and putting it in the statute," Deputy Assistant Attorney General Robert Keuch told a reporter yesterday.

"To take that [disclaimer] and graft it onto the bill as a defense, we think, opens the barn door," Keuch declared. If the Senate Judiciary Committee's amendment prevailed, he maintained, "anyone who wants to disclose agents'

names would just do so in the format of a news story or a scholarly study."

The bill's advocates say it is aimed only at anti-CIA periodicals such as the Covert Action Information Bulletin, which regularly publishes the names of CIA operatives abroad with the avowed purpose of impairing their effectiveness.

Sources said yesterday that representatives of Senate Judiciary Chairman Edward M. Kennedy (D-Mass.) and Senate Intelligence Chairman Birch Bayh (D-Ind.) have offered the administration a number of alternative proposals since the Judiciary Committee's action last week. One proposal would criminalize only those disclosures made "in order to impair the effectiveness" of the agents whose identities are disclosed.

Under the Senate bill as it now stands, government prosecutors would simply have to show the disclosures were part of a continuing effort and made with "reason to believe" that U.S. foreign intelligence activities would be impaired.

Keuch said he did not believe that any of the proposals from the Senate negotiators had the backing of both committees. "If there should be a joint recommendation," he said, "we'd take a look at it very seriously."