

# CIA Seeks New Power to Halt Leaks

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Legislation that would significantly broaden the government's power to bring criminal sanctions against employees or government contractors for disclosure of intelligence secrets is being circulated within the Nixon administration.

The measure, proposed by Central Intelligence Agency Director William E. Colby, could also empower him to seek injunctions against news media to prevent them from publishing material he considers harmful to the protection of intelligence sources and methods.

Colby's draft would give the CIA director more statutory muscle to define national security secrets and punish transgressors than ever before.

Its appearance comes against a background of court battles on national security secrecy issues ranging from the Ellsberg case to the book, "CIA and the Cult of Intelligence," written by former government intelligence officers Victor Marchetti and John Marks. The book, the first to be published in the United States after pre-publication censorship by the federal government, went on sale yesterday.

Had Colby's proposal been law a year earlier the book might well have never seen the light of day and the two authors would have been subject to 10-year prison sentences and \$10,000 fines.

Under existing law, however, the best the CIA was able to do was invoke the secrecy oaths signed by both men as grounds for a civil action requiring them to submit their manuscripts in advance for government clearance.

The government won the first round in the courts when the binding nature of the secrecy oaths was upheld. But Marks and Marchetti challenged the CIA's demand, on grounds of classification, for

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some 350 deletions in the manuscript. After adjudication of their countersuit before U.S. District Court Judge Albert V. Bryan Jr., in Alexander, the number of deletions was reduced to 27.

Bryan required the agency to go beyond the more assertion by Colby and four CIA deputy directors that material in the book was classified. He asked the CIA to demonstrate in each instance the basis for classification. Much of the trial was held in a closed courtroom.

Under Colby's proposed amendment to the National Security Act of 1947, the CIA director would be empowered to determine the ground rules for classification under a general grant of responsibility for protecting "intelligence sources and methods."

The Colby proposal would exempt news media from the criminal provisions of the law. But the draft language could, according to informed officials, enable the CIA director to trigger injunctive action by the Attorney General against "any person" — presumably including journalists — before or after an act of disclosure.

In the Pentagon Papers case, several Supreme Court justices, particularly Thurgood Marshall, cited the absence of any statutes to support the government's effort



**WILLIAM E. COLBY**  
... proposes bill

to prevent publication of the Vietnam documents. Colby's proposal would strengthen the government's hand in this respect.

Colby submitted the draft measure to the Office of Management and Budget to circulate through the bureaucracy for comment before it is introduced in Congress. In a transmittal letter to OMB Director Roy L. Ash, Colby observed that "in recent times, serious damage to our foreign intelligence effort has resulted from unauthorized disclosure of information related to intelligence sources and methods."

He did not specify what that damage was.