

CIA Says Information Act Hurts

Washington

The deputy director of the Central Intelligence Agency testified yesterday the agency is losing valuable information because its domestic and foreign sources fear their identities will be exposed under the Freedom of Information Act.

"The head of a large American company and former Cabinet member recently told me he thought any company was out of its mind to cooperate with the CIA as long as the provisions of the act apply to it," the official, Frank C. Carlucci, said.

Carlucci did not identify the former Cabinet member in testimony before the House Intelligence Committee's legislation subcommittee.

The Freedom of Information Act provides for public access to government information on demand, but permits agencies to withhold certain sensitive material in specified categories. Decisions to withhold

information can be appealed to federal courts.

Carlucci said the CIA receives many requests from foreigners, "possibly representatives of hostile intelligence services."

He said the agency spent 116 man-years during 1978 working on requests for information, more time than was spent "on any one of several areas of key intelligence interest to the United States."

The CIA has proposed an amendment to the law under which certain materials, such as those dealing with clandestine activities abroad and relations with foreign governments, would not have to be reviewed unless they contained information about the person making the request.

"Recently, the chief of a major foreign intelligence service sat in my office and flatly stated that he could not fully cooperate as long as CIA is

subject to the ... act," Carlucci testified.

"This representative noted, correctly, that even information denied under the exemptions was subject to later review and possible release by a U.S. court," he said.

"While this has fortunately not yet happened, I was not in a position to guarantee that it will not."

Daniel B. Silver, chief counsel of the National Security Agency, which monitors communications for foreign intelligence, said court interpretations of the law are making it increasingly difficult to avoid disclosing national security information in lawsuits.

This trend, he said, is "likely to produce a slow but steady leakage of information whose ultimate consequences are extremely hazardous."

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