

# CIA Asking Hill to Cut Back

By George Lardner Jr.

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On June 8, 1965, a CIA security officer met with an informant in the Hilton Hotel in downtown Washington to discuss the progress of his spying on the civil rights movement and especially on the Rev. Martin Luther King Jr.

The meeting, which lasted nearly four hours, dealt with "highly derogatory information" involving King and allegations of "communist-directed infiltration into the movement," according to a nine-page memo prepared the next day for the chief of CIA's Security Research Staff. The highly placed informant, who had "long provided information on the Negro civil rights movement and its leaders" to the CIA, promised to stay in touch. He emphasized he did not want to be "downgraded" by being asked to report to the FBI.

The CIA's spying on King, which produced a file including some of his haberdashery bills, Diners' Club receipts and notes listing phone calls and appointments, was never disclosed in the extensive congressional or executive branch investigations of the agency conducted in recent years. It has come to light solely as the result of litigation under the Freedom of Information Act (FOIA).

Thousands of documents on CIA activities—from reports on President Kennedy's assassination to controversial mind-control experiments and other excesses—have been made public under FOIA since the agency was effectively brought under the law five years ago.

Now the CIA is seeking to halt all but the most limited disclosures. Under a bill pending in both the House and the Senate, the agency has asked for an extraordinary exemption that would put its operational and technical files almost completely beyond reach of FOIA. Even illegal activities, it appears, could be legally covered up. Public inquiries could be rejected without any inspection of the documents sought. Lawsuits would be fruitless. The files would be immune from court action, except for individuals seeking records about themselves.

The CIA has described the proposal in more modest terms. According to CIA Deputy Director Frank Carlucci, the bill would provide only "a limited exemption to protect our most sensitive information." He maintains that

## Public Access to

## Agency's Files

"the loss to the public from the removal of these files from the FOIA process would be minimal."

Despite such assurances, the law has forced the CIA to release a great deal of information that would still be buried in the agency's files if the bill it wants had been the prevailing rule.

Some documents that have been made public expand, or contradict, what the CIA reported in the 1975-76 investigations. Some deal with issues that the investigators never touched, such as the CIA's spying on Dr. King. (That was disclosed in an FOIA lawsuit brought by author-critic Harold Weisberg of Frederick, Md.)

**Item:** The Rockefeller Commission, appointed by President Ford in 1975 to investigate CIA activities in the United States, came across a program started in 1967 by the CIA's Office of Security "to identify threats to CIA personnel, projects and installations," especially those stemming from the antiwar movement on college campuses.

The commission was satisfied that the operation "used no infiltrators, penetrators or monitors" and relied primarily on press clippings, campus officials and police authorities.

Records later released under the



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By James K. W. Atherton—The Washington Post

**Witnesses at Senate intelligence panel, from top: Adm. Daniel J. Murphy, a Defense Department aide; Gen. Eugene F. Tighe Jr., DIA director; Adm. Bobby R. Inman, NSA director; CIA aide Carlucci, and FBI chief William Webster.**



Freedom of Information Act about the program, which the CIA styled "Project Resistance," show that it used confidential informants repeatedly in Texas, California, Washington, D.C., and elsewhere. The CIA file even included a blank "Confidential Informant Identification" form for Project Resistance.

**Item:** The Senate investigating committee headed by Frank Church (D-Idaho) said in its final report that Project Resistance, which lasted until 1973, eventually developed a nationwide index of 12,000 to 16,000 names.

But according to records later made public under FOIA, the CIA's Office of Security indexed 50,000 members of the California Peace and Freedom Party alone, primarily college students in just two counties.

**Item:** The CIA told the Church committee that the records for MKULTRA, the agency's premier mind control program, had been destroyed in 1973, reportedly with concurrence of then-director Richard Helms.

Some 16,000 pages of records dealing with MKULTRA and other CIA experiments with exotic drugs were subsequently unearthed and turned over to John Marks, a former State Department employe and frequent CIA critic, under the Freedom of Information Act.

Testifying about some of the newly discovered documents in 1977, CIA Director Stansfield Turner said they showed the CIA carried out 149 projects involving drug testing, behavior modification and secret administration of mind altering drugs at 80 American and Canadian universities, hospitals, research foundations and prisons. But he assured Congress that the mind control work had been al-

most completely phased out in the mid-1960s.

According to Marks, who kept pressing for more documents as he wrote a book on the subject, the CIA replaced MKULTRA with another wide-ranging, supersecret behavior control project that continued into the 1970s under the agency's Office of Research and Development. The CIA told Marks in June 1978 it had discovered "130 boxes" of mind control material, in response to his inquiry about the ORD project, but he is still waiting to find out what is in them beyond a few "trivial documents" that were released.

"They've been diddling me ever since," Marks says. "In effect, they've already repealed the FOIA, at least as far as mind control is concerned."

**Item:** The CIA's view of its once-secret war in Laos was reflected in still another release under FOIA. Its position was set down Oct. 30, 1969, in a memo from CIA General Counsel Lawrence R. Houston regarding congressional inquiries on the issue, espe-

cially from Sen. J. William Fulbright (D-Ark.).

"If Sen. Fulbright were right in saying that we are 'waging war' in Laos, we would indeed have a constitutional question," Houston advised Helms. "I know of no definition, however, which would consider our activities in Laos as 'waging war' except Sen. Fulbright's. We have no combatants as such, although the Air Force pilots doing the bombing come close. . . ."

Such documents will no longer be made public if the CIA has its way, at least not under the Freedom of Information Act.

At a House hearing last week, CIA Deputy Director Carlucci took the position that congressional oversight by the House and Senate intelligence committees should provide an adequate safeguard against abuses.

The next day, however, CIA Director Turner, with President Carter's backing, came out strongly against legislation that would require the agency to tell the intelligence committees whatever they want to know. He



maintained that the CIA needs to protect its "sources and methods" even from secret congressional review.

It was under the CIA's authority to protect its "sources and methods" that such programs as Project Resistance were undertaken. As the Church committee's final report, stated in 1976: "This authority has been read by the CIA to authorize protection of CIA personnel against any kind of 'security threat,' including the possibility of violent demonstrations by the public."

For its part, the CIA contends it should be relieved of the task of reviewing its vast files under the Freedom of Information Act when what it actually makes public is "infinitesimal."

Carlucci acknowledged that the CIA can still protect its legitimate secrets under the law as it now stands. But he argued that the law still needs to be changed primarily because the CIA's foreign agents and other sources are uneasy about it.

"In their minds, the CIA is no longer able to absolutely guarantee that the information they provide the U.S. government is sacrosanct," Carlucci said. "We believe we can keep it so, but it is, in the final analysis, their perception—not ours—which counts."

The Freedom of Information Act already allows the agency to withhold records that would disclose sources and methods or endanger national security but it also provides for court review of those withholdings. Under the bill the CIA is seeking, the agency would not have to search its files for requested information. The courts would lose their authority to review the CIA's decisions—except where an American citizen is seeking records about himself and in cases involving "finished intelligence products," a term the bill does not define.

"The effort to avoid any requirement to even look at the stuff is really extraordinary," says Mark Lynch, a civil liberties lawyer who handles

many lawsuits involving FOIA. "Other agencies still have to look at the documents and justify to the court that they are exempt. What the CIA is seeking would relieve them of that obligation."

Asked at the house hearing what would happen to a document that might reflect illegal activity by the CIA, Carlucci said he was "sure" it would come to the attention of proper authorities. At another point, Rep. Ted S. Weiss (D-N.Y.) wondered what might happen to a request for records about the CIA's mind control experiments if, say, a newspaper asked for them.

Carlucci did not reply directly. "No such experimentations will take place as long as Adm. Turner and I are in the agency," he declared.

Weiss replied heatedly that the men who ran the CIA when the drug experiments took place were "every bit as high-minded and patriotic as you. And yet all sorts of terrible things happened." He said he feared they could happen again.

President Carter apparently has no such qualms. A White House aide said Carter endorsed the CIA's bid for "relief" from the Freedom of Information Act last week. He said the President is not wedded to the language the CIA has proposed, but he does want "relief across-the-board," not just for the CIA but for all of the nation's intelligence agencies.

The FBI, the National Security Agency and the Defense Intelligence Agency put in their bids for FOIA exemptions yesterday afternoon at a Senate Intelligence Committee hearing. FBI Director William Webster also asked for a seven-year moratorium on all criminal investigative files and a complete exemption for the bureau's organized crime files.

Sen. Barry Goldwater (R-Ariz.) expressed annoyance that the FBI currently has 300 people assigned to FOIA requests. "We ought to do away with the whole damn thing," he said of the law.