

WXPost FEB 19 1976 CIA (D)

# Ford Seeking

# New Powers On Secrecy

## U.S. Spying Approval Seen      Officials Must Sign Agreement

By Laurence Stern  
Washington Post Staff Writer

President Ford's new charter for the U.S. intelligence community legitimizes domestic spying and other activities that had been considered legally and politically questionable.

The text of Mr. Ford's 36-page executive order on U.S. foreign intelligence activities was issued yesterday by the White House.

Details of the President's new intelligence message, including the order, were presented at a briefing attended by Central Intelligence Agency Director George Bush, Attorney General Edward H. Levi, White House Counselor John O. Marsh Jr. and Mike Duvall, executive secretary of the White House inter-agency coordinating committee on intelligence.

Some White House officials said the executive order did not extend the range of presidentially authorized domestic intelligence activities. Others said the declaration gives explicit sanction to practices that have been considered of dubious legality.

The new executive order, for example, authorizes the CIA to enter into arrangements with academic institutions for research and a variety of other services "provided CIA sponsorship is known to the appropriate senior officials of the academic institutions and to senior project officials."

After revelations of CIA penetration of American academic, labor, student, cultural and other organizations in 1967, President Johnson issued an order prohibiting the agency from entering into financial relations with private domestic organizations.

A White House spokesman said yesterday that the Johnson order still stands but that the provision was written into the new executive order because of the

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The Ford administration is seeking broad new powers to impose secrecy throughout the executive branch and on former government employees and outside government contractors.

Short of bringing criminal charges for espionage or theft of government documents, Attorney General Edward H. Levi conceded yesterday, "there is nothing now" to "enforce secrecy by law."

Under the plan unveiled yesterday, the Ford administration will seek through executive order and new legislation civil, —and in some cases criminal, sanctions against government employees who make unauthorized disclosure of intelligence information.

White House Counsel Philip W. Buchen said yesterday the proposed executive orders, and law "give the administration a real threat over people who can't be controlled by discipline."

"How far it reaches" within the government, Buchen said, "will be determined by a future executive order."

On March 1, under yesterday's executive order, all government officials with access to classified information containing intelligence sources and methods will be required to sign an agreement that they will not disclose it to "persons not authorized to receive it."

Sources and methods, in the intelligence world, refer specifically agents, names or actual means by which operations are carried out. Such information is not widely circulated in government outside intelligence agencies themselves. CIA employees, for example, already sign such an agreement as do employees of the National Security Agency.

However, under the same executive order, CIA Director George Bush is authorized to study the need for securing similar agreements

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# Order Is Seen Legitimizing U.S. Spying

CHARTERS, From A1

Another provision of the new order permits "infiltration or undisclosed CIA's need for academic research activities.

participation within the United States" in organizations "composed primarily of non-United States persons . . . reasonably believed to be acting on behalf of a foreign power."

Officials hinted that this provision was custom-drafted for a specific intelligence target within the United States, although the burden of counter intelligence within U.S. borders has until now been assigned to the FBI.

The new order also would permit the CIA to collect information within the United States concerning "corporations or other commercial organizations which constitutes foreign intelligence or counterintelligence."

It also authorizes domestic intelligence gathering against U.S. citizens, corporations or resident aliens who are "reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities."

Officials took the position yesterday that these exceptions to the general prohibitions on domestic spying and intelligence gathering by the CIA were "narrowly drawn" and specific in nature. However, many of the investigations launched against American citizens by the FBI and CIA during the late 1960s and early 1970s were justified on grounds that the suspects might have been agents of foreign governments.

The new executive order, which was released and explained at the White House briefing yesterday, included a prohibition against experimentation with drugs on human subjects "except by the informed consent, in writing and witnessed by a disinterested third party, of each such human subject . . ."

It also stipulated that any such experimentation be conducted in accordance with guidelines issued by

the National Commission for the Protection of Human Subjects for Biomedical and Behavior Research.

White House officials were unable to provide any details on the functions or whereabouts of the National Commission alluded to in the executive order. It was not listed in the U.S. Government Manual, the Congressional Directory Index of executive agencies or the Washington telephone book.

The only restriction on covert operations abroad proposed in the executive order was a provision stating that "no employee of the United States Government shall engage in, or conspire to engage in, political assassination." Covert foreign operations of the CIA—including involvement in political assassinations—were central to the congressional investigations of excesses by the agency at the direction of prior Presidents.

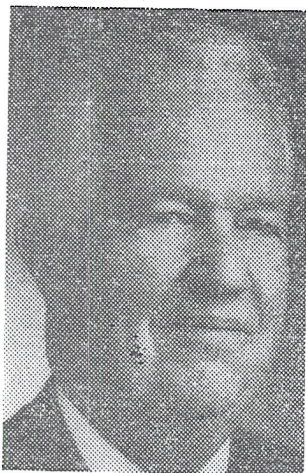
It was clear from the White House presentation yesterday that President Ford was standing firm on his refusal to provide prior notice to Congress of covert operations.

White House officials gave little indication of what procedures the President was ready to employ in briefing congressional overseers.

But the White House preference for a single oversight committee on Capitol Hill, ostensibly to reduce the exposure of classified information to persons outside the national security establishment, was evident.

It was too early to tell yesterday what the reaction was on Capitol Hill to the President's intelligence message. Congressional sentiment appears to be running strongly now for separate committees rather than a joint one. A majority of the Senate intelligence committee has gone on record for this approach.

There is also strong support from the Democratic majority members on both the Senate and House select committees for prior notice of covert political programs.



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**SECRECY, From A1**

from the much larger number of government officials who have access to "classified intelligence material."

Such materials would include intelligence estimates and similar material that is given wide circulation in the defense and foreign policy branches of government.

Although the proposed Bush study has not begun, White House sources said that the result may not be as drastic as President Ford indicated Tuesday when he said "every employee of the executive branch of the government" will have to sign a secrecy statement.

Buchen expects that a "rule of reason" will be applied and that secrecy agreements may eventually be required at the "higher classifications, secret or maybe only top secret."

Investigating news leaks, the White House counsel said, will still present a problem.

At present, the Attorney General requires reasonable probability that a criminal act has occurred before authorizing an FBI investigation.

With the new executive order and secrecy agreements, according to Buchen, investigations could be opened if there is the probability of civil action. "But I can't imagine that would trigger a lot of investigations," Buchen added. "Deference," he said, is what the plan offers.

A signed secrecy agreement, according to a recent court decision, is like a contract between the individual and the government.

The White House counsel said "This is the minimum if you are going to have any effective legal remedy against any and all disclosures," Levi said yesterday.

In addition to the secrecy agreements required by executive order, Mr. Ford will request legislation from Congress that would make it a crime for present or former government employees



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or contractors to disclose without authorization a wide range of information on foreign intelligence sources and methods.

The proposed legislation would also provide for an injunction against "any person" who violates or is about to violate the act.

Neither the executive order nor the proposed law would be directed at reporters or newspapers, according to White House sources.

Levi said yesterday, however, that grand juries could ask reporters about their sources in an investigation of a leak of information that is covered by the proposed law or a secrecy agreement.

The Ford plan also attempts to deal with the revelations that secrecy labels were used in past administrations to hide wrongdoing and policy mistakes. Under the new intelligence oversight board arrangement, a Ford aide said, employees will be encouraged to give the board cases in which they believe material has been improperly classified. The board will be chaired by veteran diplomat Robert D. Murphy; its members are to be Stephen Ailes and Leo Cherne.