

# Ford Asks Intelligence Disclosure Curb

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WASHINGTON, Feb. 18— President Ford proposed legislation today that would make it a serious crime for Government employees to disclose the ways in which the Central Intelligence Agency and other Federal agencies collect and evaluate their information.

While Mr. Ford's draft bill would extend criminal sanctions for such revelations to a far larger number of individuals than is now the case, it is considerably narrower than the prohibitions against disclosures of all classified information that are contained in the proposed reforms of the Federal Criminal Code now before Congress.

Nor does the Ford proposal

approach in scope the Official Secrets Act on the books in Britain, which makes it illegal for a government employee to disclose virtually any official information to anyone outside the government, or for a journalist to report such information.

One presidential aide said Mr. Ford had considered "the option" of submitting to Congress broader provisions like those contained in the proposed criminal code reforms, but had decided on the narrower version "to avoid charges that we were going to an official secrets act" along the lines of the British model.

While the Ford proposal specifically exempts from criminal prosecution journalists or others who receive such secrets,

it would, by elevating such disclosures to the level of a felony offense, enable government prosecutors to call reporters to testify before grand juries about the identities of their sources for articles containing such classified information.

Administration officials involved in the drafting of the so-called "secrecy protection" proposal, a part of President Ford's overall reform of the Federal intelligence community made public today, said that the provision, in the form of an amendment to the National Security Act of 1947, was sent to both houses of Congress this morning.

One official said that the proposed legislation, designed

Continued on Page 30, Column 7

## President Requests Curb On Intelligence Disclosure

Continued From Page 1, Col. 7

to back up portions of an executive order signed by Mr. Ford today, was intended to "put some teeth into" the secrecy agreements that have long entered into by employees of the C.I.A. and other Federal intelligence agencies, and by those to whom such agencies have made classified information available.

The executive order states that any government official or outside contract employee who is given access to such information must sign a pledge not to disclose it to an unauthorized recipient. Nevertheless an aide to Mr. Ford said that such had always been the case except for high Administration officials, Cabinet members and the like, who would now also be asked to sign as "an example."

### Penalties For Breach

The secrecy agreement heretofore entered into by employees of the intelligence community and those who receive its findings contains a recognition that any breach of security could lead to termination of employment or to prosecution under existing espionage statutes.

But Justice Department lawyers said those statutes had been narrowly drawn to protect certain classes of information, such as atomic or cryptographic secrets, and thus had made prosecutions impossible for violations of the secrecy agreement that did not embrace such national defense information.

One lawyer recalled that the C.I.A. had been forced to bring a civil action against Victor Marchetti, a former agency official, to win a restraining order preventing the publication of portions in 1974 of his book, "The C.I.A. and the Cult of Intelligence," that it said violated his secrecy agreement.

Under the law offered today by President Ford, Mr. Marchetti, Philip B. F. Agee and other former agency officials who have made similar disclosures could instead have been threatened by the Government with prosecution, or prosecuted if

they were not dissuaded by the threat.

The Ford proposal would exempt disclosure of classified intelligence information from prosecution if the individual who made the disclosure had been unable to obtain a review within the Government of the "continuing necessity" for the classification.

Prosecution would also be barred if a court decided that the information in question had not been lawfully classified in the first place, or if it were communicated to Congress "pursuant to a lawful demand" of that body.

The draft bill would make it possible for the Director of Central Intelligence, in his capacity as chief of the intelligence community, to ask the Justice Department to seek a court order to prevent an imminent disclosure of classified information by a signatory to the secrecy agreement.

However, since newspapers and other recipients of such information would not be held liable under the law, the Government would not be empowered to seek an order to prevent publication of such information once it had been disclosed to a news organization.

### Not to Congress

The legislation would apply only to officials or "contract" employees of the executive branch and not to members of Congress or staffs of Congressional committees that were furnished such information in connection with investigations.

A White House official said, however, that Mr. Ford hoped his initiative would impel Congress to adopt similar legislation enforcing the secrecy of such information provided to it, and that would prevent unauthorized disclosures like those in recent weeks concerning the final report of the House Select Committee on Intelligence.

Charles Morgan Jr., who heads the national office of the American Civil Liberties Union here, said he was most distressed by Mr. Ford's proposal. He said it meant that, if enacted, under recent Supreme Court decisions any newspaper reporter could be put in jail if he refused to tell a Federal grand jury the name of a source who had provided him classified intelligence information.