

# C.I.A. Chief Scores Order By Court to Give Up Data

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Jan. 4—The director of Central Intelligence told a Federal judge this week that "highly classified" intelligence information might be "leaked" to the public if the agency complied with the judge's recent order to make that information available to a limited group of security experts.

One of those experts—and the only one named specifically in the judge's order—is Morton H. Halperin, a former consultant to the National Security Council and a former Deputy Assistant Secretary of Defense.

Mr. Halperin's telephone was tapped for 21 months in 1969-71, while he was an assistant to Henry A. Kissinger on the council and afterwards, as part of a wiretrap operation that President Nixon said later was an attempt to stop leaks of secret information to the press. Mr. Kissinger has said that the conversations overheard on Mr. Halperin's phone "never cast any doubt," on Mr. Halperin's "loyalty or discretion."

The judge, Albert V. Bryan Jr. of the United States District Court in Alexandria, Va., issued the order two weeks ago at the request of the publisher and the authors of a book about the C.I.A. The agency is trying to censor the book.

## Expert Advice Sought

The publisher and the authors contended that they needed the opinions and advice of experts on security matters to prepare their lawsuit contesting the censorship attempt.

William E. Colby, the C.I.A. director, made his assertion in a three-page affidavit submitted to the court Wednesday along with a motion by the Government asking Judge Bryan to reconsider his ruling.

Mr. Colby did not mention Mr. Halperin by name. Nor did he amplify upon his "concern," as he phrased it, other than to say that he was "personally knowledgeable of many incidents of leaked privileged or classified information, for example, the publication of testimony before a grand jury investigating the Watergate break-in."

He asked for a private hearing before Judge Bryan, "in order to explain the basis of my concern."

He said in his affidavit that disclosure of the information would "result in the compro-

mise of certain currently active intelligence sources and intelligence gathering operations which would cause serious harm to the national defense interests of the United States and will seriously disrupt the conduct of this country's foreign relations."

## Written Reply Planned

Melvin L. Wulf of the American Civil Liberties Union, attorney for the two authors, Victor L. Marchetti and John Marks, and Floyd Abrams, lawyer for the publisher, Alfred A. Knopf, Inc., said today that they expected to file early next week written answers opposing the Government's motion.

The book in question is titled "The C.I.A. and the Cult of Intelligence" and was completed last summer by Mr. Marchetti, a former employe of the C.I.A. and Mr. Marks, a former worker at the State Department. But because of earlier court rulings stemming from litigation started by the Government, Mr. Marchetti was forced to submit the manuscript to the C.I.A. for approval before he could send it to his publisher.

These rulings were based on the so-called "Secrecy contract" that Mr. Marchetti had signed when he joined the C.I.A. in 1955. According to the lawyers in the case, it was the first time that courts had allowed the Government to censor a book before publication.

The rulings, however, left open the possibility that the authors could contest in court whatever deletions the intelligence agency ordered.

## Court Order Cited

The C.I.A. specified 225 portions that, it said, should be cut from the book. According to Mr. Marks, the deletions generally include the examples cited by the authors to back up their conclusions about the agency. He cited the agency's role in the 1970 elections in Chile, the payment of C.I.A. money to foreign leaders and the agency's use of "fake companies as fronts."

Two weeks ago, at the request of the authors and the publisher, Judge Bryan ordered the Government to give them certain documents to back up its contention that the portions should be censored.