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Preventing Leaks

There should be a lesson for the Carter administration in the shift in position by William E. Colby, former director of the Central Intelligence Agency, on how to protect genuine intelligence secrets. Mr. Colby formerly favored legislation to let the government go to court and get injunctions against any prospective leak of classified intelligence information—an approach in conflict with the First Amendment because of its threat of prior restraint on the press. He also favored treating CIA employees' secrecy agreements as enforceable "contracts" under which employees could be barred from releasing virtually any information that the CIA wanted to keep secret—an approach that also could both curb freedom of expression and prevent the exposure of abuses.

Now Mr. Colby has told a Senate intelligence subcommittee that legislation to prevent leaks should be narrowly drawn so as to protect only "secret intelligence sources and techniques" and to apply only to those people who had specifically promised to keep them secret. Journalists and other persons who had not taken secrecy pledges would be exempt from prosecution and court subpoena. The view of the former intelligence director is significant in view of the administration's current breach-of-contract suit against Frank Snepp, a former CIA analyst, whose book, "Decent Interval," exposes CIA blunders in the 1975 evacuation of Vietnam but does not, even according to the government, reveal any secret intelligence sources or methods.

If a former intelligence chief thinks a narrowly drawn statute would be sufficient to protect genuine intelligence secrets, an administration avowedly committed to minimizing secrecy should not feel bound to ask for more. The long cover-up of intelligence abuses even under present laws should demonstrate to the Senate subcommittee, as it seeks to draft new legislation, the undesirability of writing a bill that would curb whistle-blowers.